

AGENDA

BOTHELL PLANNING COMMISSION

Bothell City Hall, 18415 101st Avenue NE
Wednesday, November 2, 2016, 7:00 PM

1. CALL TO ORDER

2. NON-AGENDA PUBLIC COMMENTS

3. APPROVAL OF MINUTES

April 27, 2016

May 11, 2016

4. NEW BUSINESS

5. PUBLIC HEARING

None

6. STUDY SESSION

Public Hearing on the Williamson Plan and Code Amendment Request

7. OLD BUSINESS

Consideration of change to Bylaws to start Commission meeting at 6pm

8. REPORTS FROM STAFF

9. REPORTS FROM MEMBERS

10. ADJOURNMENT

Projected Schedule of Land Use Items as of October 26, 2016

City Council (CC) meetings, shown in **bold**, start at 6 p.m. unless otherwise noted.

Planning Commission (PC) meetings, shown in *italics*, start at 7 p.m. currently.

NOTE: On November 2, Planning Commission will consider changing its bylaws to begin meetings at 6 p.m.

Shorelines Hearings Board and other meetings shown in normal text, start at 7 p.m. unless otherwise noted.

Meetings are held in the **City Hall building at 18415 101st Avenue NE** unless otherwise noted.

For planning purposes only: schedule subject to change without notice

October 2016

Monday	Tuesday	Wednesday	Thursday	Friday
3	4 Public Hearing on Plan and Code Amendments for NPDES II Compliance	5	6	7
10	11 Study Session on Affordable Housing	12	13	14
17	18 Public Hearing on Plan and Code Amendments for the Campus Master Plan Continued Public Hearing on Fitzgerald Plan and Code Amendments	19 <i>Public Hearing on Williamson Plan and Code Amendments</i>	20	21
24	25	26 <i>Study Session on Clustering Plan and Code Amendments</i>	27	28
31				

November 2016

For planning purposes only: schedule subject to change without notice

Monday	Tuesday	Wednesday	Thursday	Friday
	<p>1</p> <p>Study Session on Nike Hill Plan and Code Amendments</p> <p>Study Session on South Riverside Drive Plan and Code Amendments</p>	<p>2</p> <p><i>Continued Public Hearing on Williamson Plan and Code Amendments</i></p>	<p>3</p>	<p>4</p>
<p>7</p>	<p>8</p> <p>Continued Public Hearing on Fitzgerald Plan and Code Amendments</p> <p>Continued Public Hearing on Plan and Code Amendments for the Campus Master Plan</p> <p>Study Session on Phased Downtown Parking Enforcement</p>	<p>9</p> <p><i>Public Hearing on Miscellaneous Downtown Code Amendments (tentative)</i></p>	<p>10</p>	<p>11</p> <p>Veteran's Day Holiday</p>
<p>14</p>	<p>15</p> <p>2015 Miscellaneous Housekeeping Code Amendments (Consent Agenda)</p>	<p>16</p> <p><i>Public Hearing on Clustering Plan and Code Amendments</i></p>	<p>17</p>	<p>18</p>
<p>21</p>	<p>22</p>	<p>23</p> <p><i>(No meeting - Thanksgiving week)</i></p>	<p>24</p> <p>Thanksgiving Holiday</p>	<p>25</p> <p>Thanksgiving Holiday</p>
<p>28</p>	<p>29</p>	<p>30</p>		

December 2016

For planning purposes only: schedule subject to change without notice

Monday	Tuesday	Wednesday	Thursday	Friday
			1	2
5	Public Hearing on Nike Hill Plan and Code Amendments Public Hearing on South Riverside Drive Plan and Code Amendments Public Hearing on Williamson Plan and Code Amendments	7 <i>Study Session on Housing Strategy Plan Update and Affordable Housing (tentative)</i>	8	9
12	13 *Final Action on all Plan Amendments (Nike Hill, South Riverside Drive, Williamson, Fitzgerald and Campus Master Plan)?	14 <i>Public Hearing on Clustering Plan and Code Amendments (tentative)</i>	15	16
19	20	21	22	23
26 Christmas Holiday	27	28	29	30

*The City is restricted by State law to just one Plan amendment adoption per calendar year. Therefore, all proposed Plan amendments for 2016 must be adopted via a single Ordinance.

Minutes

BOTHELL PLANNING COMMISSION

REGULAR MEETING - April 27, 2016

COMMISSIONERS PRESENT: Eric Clarke, Roger Cecil, Patrick Cabe, Jason Hampton, Jeanne Zornes and David Vliet

COMMISSIONERS ABSENT AND EXCUSED: Blake Stedman

STAFF PRESENT: Senior Planner Bruce Blackburn and Senior Planner David Boyd

CALL TO ORDER: The Regular Meeting of the Bothell Planning Commission was called to order by Vice Chair Clarke, on April 27, 2016, at 7:00 p.m. in the Council Chambers at the Bothell Town Hall, 18415 101st Avenue NE.

APPROVAL OF MINUTES:

<p>A MOTION WAS MADE TO APPROVE THE MINUTES FOR FEBRUARY 3, 2016. THE MOTION WAS SECONDED AND PASSED WITH ALL PRESENT IN FAVOR.</p>
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<p>A MOTION WAS MADE TO APPROVE THE MINUTES FOR MARCH 2, 2016. THE MOTION WAS SECONDED AND PASSED WITH ALL PRESENT IN FAVOR.</p>

<p>A MOTION WAS MADE TO APPROVE THE MINUTES FOR MARCH 9, 2016. THE MOTION WAS SECONDED AND PASSED WITH ALL PRESENT IN FAVOR.</p>

NEW BUSINESS: None

PUBLIC HEARING:

Vice Chair Clarke opened the eighth Public Hearing regarding the Shelton View Neighborhood Activity Center (Nike Hill) 2015 Plan and Code amendments. Clarke introduced Bruce Blackburn.

Blackburn shared a brief PowerPoint presentation regarding the Shelton View Neighborhood Activity Center (Nike Hill) 2015 Plan and Code Amendments.

Discussion ensued.

Blackburn introduced Boyd Senior Planner to review the language regarding Affordable Housing Code Amendments in the Shelton View Neighborhood Activity Center (Nike Hill). Boyd introduced Arthur Sullivan and Mike Stager with ARCH to assist with language and discussion.

Discussion ensued.

A MOTION WAS MADE TO CLOSE THE PUBLIC HEARING REGARDING THE 2015 PLAN AND CODE AMENDMENTS TO THE QUEENSBOROUGH, BRENTWOOD CRYSTAL SPRINGS AND SHELTON VIEW/MERIDIAN SUBAREAS AND CONTINUE THE GENERAL PROVISIONS ON AFFORDABLE HOUSING TO MAY 11, 2016. THE MOTION WAS SECONDED AND PASSED WITH ALL PRESENT IN FAVOR.

OLD BUSINESS: Boyd shared a letter from Ann Aaggard regarding South Riverside Dr. Since the Public Hearing has been closed it will not be included as an exhibit with the Planning Commission Findings. The letter will be submitted as the first exhibit when Council opens their review on the South Riverside Code Amendment. Boyd shared copies of the letter with Commissioners per Aaggard's request.

REPORTS FROM STAFF: Blackburn reported that Council has added the clustering provision to the docket, the second part of this year.

REPORTS FROM MEMBERS:

ADJOURNMENT:

A MOTION WAS MADE TO ADJOURN. THE MOTION WAS SECONDED AND PASSED WITH ALL PRESENT IN FAVOR.

The meeting was adjourned at 9:57 p.m.

Blake Stedman, Secretary

BOTHELL PLANNING COMMISSION

REGULAR MEETING - May 11, 2016

COMMISSIONERS PRESENT: Eric Clarke, Roger Cecil, Blake Stedman, Patrick Cabe, Jason Hampton, Jeanne Zornes and David Vliet

COMMISSIONERS ABSENT AND EXCUSED: None

STAFF PRESENT: Senior Planner Bruce Blackburn and Senior Planner David Boyd

CALL TO ORDER: The Regular Meeting of the Bothell Planning Commission was called to order by Chair Pro Tem Clarke, on May 11, 2016, at 7:00 p.m. in the Council Chambers at the Bothell Town Hall, 18415 101st Avenue NE.

APPROVAL OF MINUTES:

A MOTION WAS MADE TO APPROVE THE MINUTES FOR MARCH 30, 2016 AS AMENDED. THE MOTION WAS SECONDED AND PASSED WITH ALL PRESENT IN FAVOR.

A MOTION WAS MADE TO APPROVE THE MINUTES FOR APRIL 6, 2016. THE MOTION WAS SECONDED AND PASSED WITH ALL PRESENT IN FAVOR.

A MOTION WAS MADE TO APPROVE THE MINUTES FOR APRIL 13, 2016. THE MOTION WAS SECONDED AND PASSED WITH ALL PRESENT IN FAVOR.

PUBLIC HEARING:

Chair Pro Tem Clarke opened the continued Public Hearing regarding Affordable Housing Provisions related to 2015 Plan and Code Amendments for Nike Hill and South Riverside Drive. Clarke introduced David Boyd.

Boyd shared background a brief PowerPoint presentation and introduced Arthur Sullivan, Program Manager, A Regional Coalition for Housing (ARCH). Discussion ensued.

Discussion ensued.

A MOTION WAS MADE TO APPROVE GENERAL PROVISIONS ON AFFORDABLE HOUSING TO THE NIKE HILL QUEENSBOROUGH, BRENTWOOD CRYSTAL SPRINGS, SHELTON VIEW/MERIDIAN SUBAREA PLAN AND CODE AMENDMENTS AND AUTHORIZE THE CHAIR TO SIGN AS AMENDED. THE MOTION WAS SECONDED AND PASSED WITH ALL PRESENT IN FAVOR.

A MOTION WAS MADE TO APPROVE GENERAL PROVISIONS ON AFFORDABLE HOUSING TO THE SOUTH RIVERSIDE WAYNITA/SIMMONS/NORWAY HILL SUBAREA CODE AMENDMENTS. THE MOTION WAS SECONDED AND PASSED WITH ALL PRESENT IN FAVOR.

NEW BUSINESS:

Commissioners nominated Eric Clarke and David Vliet for Planning Commission Chairman.

Commissioner Vliet was elected to Commission Chair with a 4 - 3 vote.

Commissioners nominated Eric Clarke and Patrick Cabe for Chair ProTem.

Commissioner Clarke was elected to Chair ProTem with a 4 - 3 vote.

Commissioners nominated Patrick Cabe and Blake Stedman for Executive Secretary

Commissioner Cabe was elected to Executive Secretary with a 4 - 3 vote.

OLD BUSINESS: None

REPORTS FROM STAFF: None

REPORTS FROM MEMBERS: None

ADJOURNMENT:

A MOTION WAS MADE TO ADJOURN. THE MOTION WAS SECONDED AND PASSED WITH ALL PRESENT IN FAVOR.
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The meeting was adjourned at 8:46 p.m.

Blake Stedman, Secretary

Public Hearing on the Williamson Plan and Code Amendments

MEMORANDUM

Community Development Department



City of Bothell

DATE: November 2, 2016

TO: Planning Commission

FROM: Dave Boyd, Senior Planner

SUBJECT: Continued Public Hearing on the Williamson Plan and Code Amendments



Purpose and Background

An initial public hearing on October 19 introduced the Plan and Code Amendment request by Sherman and Mary Williamson to rezone their properties from R 9,600 to R 7,200. Tonight's continued public hearing will present responses to questions and comments from October 19 and Draft Planning Commission Findings, Conclusions and Recommendations. The purpose of tonight's hearing is to finalize the Commission's recommendation(s) to City council on this item.

The potential rezone was initiated by City Council as part of the 2016 Planning Docket and referred to Planning Commission to be reviewed and returned to Council for consideration with other potential 2016 comprehensive plan amendments, including South Riverside, Nike Hill and the UWB/CC Campus Master Planning Process. As such, it is scheduled for a City Council public hearing on December 6 and final adoption on December 13.

The proponents' application, preliminary Staff Analysis, and proposed Code amendments, which deal with potential affordable housing requirements and draw on the Planning Commission recommendations for South Riverside and Nike Hill, were included in the October 19 packet. Tonight's packet includes draft Planning Commission Findings, Conclusions and Recommendations in **Attachment 1**.

Responses to issues raised at the October 19 hearing

A number of issues were raised at the October 19 hearing by both Planning Commission and citizens who testified, and as of October 27 staff has received one exhibit, a letter from the proponents (**Attachment 2**). This memo addresses each issue below.

Connector Road

In 2008, City Council approved a Plan and Code amendment to create a new collector street connecting the Bothell-Everett Highway with 7th Ave SE / 88th Ave NE along the south side of the subject property, to be built by private development along the route as the affected parcels are developed. The connector has been variously identified as 203rd, 242nd and 243rd Streets, or combinations of those. Planning Commissioners requested additional information about the Council action, so relevant excerpts of the Ordinance are included as **Attachment 3**, and a brief summary follows.

The amendment was requested by the property owner to the east, David Milot, and proposed to create the connector to share the south access to the new Safeway development, along with the new signal at the Bothell-Everett Highway. The amendment also included a rezone of his property from R 5,400, OP to R 4,000, OP, CB. Several alternative alignments were studied, and Council chose Alternative 1, which is depicted extending along the south property line of the subject

property. The amendment clearly states that the connector will be built by development as it occurs. The precise alignment is not specified, leaving it to be engineered as development occurs along the route.

Milot submitted Right-Of-Way (ROW) permit plans in 2009 for the connector road. Those applications have not been approved, but discussions are ongoing to possibly keep the project alive.

If the Milot development proceeds prior to any others along the route, it will establish the precise alignment, at least up to the southeast corner of the subject property line. If either the subject property or the one to the south develops first, or if they develop together, it will establish the precise alignment.

For purposes of the capacity analysis for the proposed rezone, it was assumed that the north side of the ROW would coincide with the south side of the subject property, leaving the entire property available for development. If the alignment winds up being centered on the property line, the potential yield would be reduced.

If the subject parcel was to develop first, they would need to build half-street improvements, with enough pavement to provide a two-way, 20' travelway.

7th Ave SE / 88th Ave NE

At the October 19 hearing, concerns were expressed about the volume and speed of traffic along these streets and the lack of pedestrian facilities. Staff has consulted with the Public Works Department, which is aware of issues on that street. Speed signage, which has been prioritized for school zones during the first couple months of the school year, should be available for this corridor soon.

Any new development along this collector route will be required to provide a separated walkway (there are no exceptions for frontage improvements along collectors, only local streets). For example, the Raven's Ridge development to the south along 88th Ave NE will need to construct a safe walkway connecting to the next separated walkway to the south, toward Westhill Elementary. Our Capital Projects division has a grant application in for a separated walkway on the west side of 7th/88th (where new development is less likely due to wetland constraints).

Sewer connections

Though not really germane to the rezone request, some Commissioners expressed interest in potential sewer service to the subject parcel, since providing sewer service will be a factor in the cost of development, along with road improvements. The parcel is in the Alderwood Water and Sewer District, but the Bothell Sewer district is immediately south of the east parcel and Northshore Utility District is immediately south of the west parcel.

In areas like this, sewer connections are dictated by topographic conditions and elevations of existing facilities as much as district boundaries or horizontal distance. At the October hearing, a neighbor testified that there is a sewer connection near the northeast corner of a development to the southwest of the subject property, but it is uphill, so would likely only serve the adjacent parcel.

If the connector road is built all the way through, sewer could be extended along its route to serve at least the east part of the subject property, perhaps more depending on the topography and pipe depths. There may be a possibility to connect to the north along 7th Ave SE, but there are no lines south of 240th St SE and the grade slopes up from a valley between the subject property and 240th. The most likely connection for the general area along 7th Ave SE would be along the valley to the

southwest, but that will be an expensive proposition that will likely require a number of property owners to agree to fund together.

In any case, sewer connections for development in this area will be a significant cost.

Property dimensions

The property is approximately 520' x 180', though about 15' of the west end along 7th Ave SE will need to be dedicated to provide the required ROW there.

Other zoning options

The staff report discussed some alternative zoning options, most related creating a transition to the more intensive zoning to the west. Some Commissioners expressed support for more intensive zoning on the subject parcel, to better offset the cost of building the connector road. Some also expressed interest in extending the rezone beyond the subject parcel, and at least one neighbor to the west of 7th Ave SE spoke in support of extending the rezone to their property.

Since Council only initiated consideration of the rezone on the subject property, Planning Commission should limit their specific recommendation to that property. Commission could include a recommendation that Council consider initiating a broader study of zoning in the areas along the connector and surrounding the Safeway center.

The Commission could consider more intensive zoning than the R 7,200 requested, but there were also concerns about spot zoning. The change to R 7,200 would be an expansion of the zoning to the south, and is certainly justifiable to have the same zoning on either side of the connector. Similarly, a case could be made for extending the R 4,000 zoning or an intermediate transitional zone (R 5,400a or d) at least part way along the collector from the east, but that would make the most sense if it were done consistently on both sides of the connector, something that would expand the area and need Council initiation. That would typically happen as the result of a request by a prospective developer of the properties, who would be able to determine the logical boundaries for the zoning transitions.

Staff continues to support the applicant's request that Commission recommend their requested rezone.

Process

Staff recommends that the Planning Commission review the packet and be prepared to deliberate and make a recommendation to Council, following any public testimony.

Attachments

Please refer to the October 19 packet for the proponents' application, preliminary Staff Analysis, and proposed Code amendments, which deal with potential affordable housing requirements and draw on the Planning Commission recommendations for South Riverside and Nike Hill. Attachments to this packet:

1. Draft Planning Commission Findings, Conclusions and Recommendations
2. Letter from the proponents, Sherman and Mary Williamson, October 20, 2016
3. Excerpts from Ordinance #2008 dealing with the approved connector between 7th Avenue SE / 88th Avenue NE and Bothell-Everett Highway

Planning Commission Findings, Conclusions and Recommendations for the Williamson Plan and Code Amendments

Findings

1. The City of Bothell plans under the Growth Management Act (GMA), as contained within the Revised Code of Washington 36.70A.
2. Bothell adopted a Comprehensive Plan termed the *"Imagine Bothell..."* Comprehensive Plan under Council Ordinance 1557 on July 15th 1994. The *"Imagine Bothell..."* Comprehensive Plan has been amended numerous times since original adoption - most recently under Ordinance #2053 (2010).
3. Regulations to implement the Comprehensive Plan were created under ordinance 1629. The implementing regulations have been amended numerous times - most recently under Ordinance #2073 (2011).
4. The proposed Plan and Code amendments were requested by Sherman and Mary Williamson and initiated by City Council as part of the 2016 Planning Docket.

Public Notice

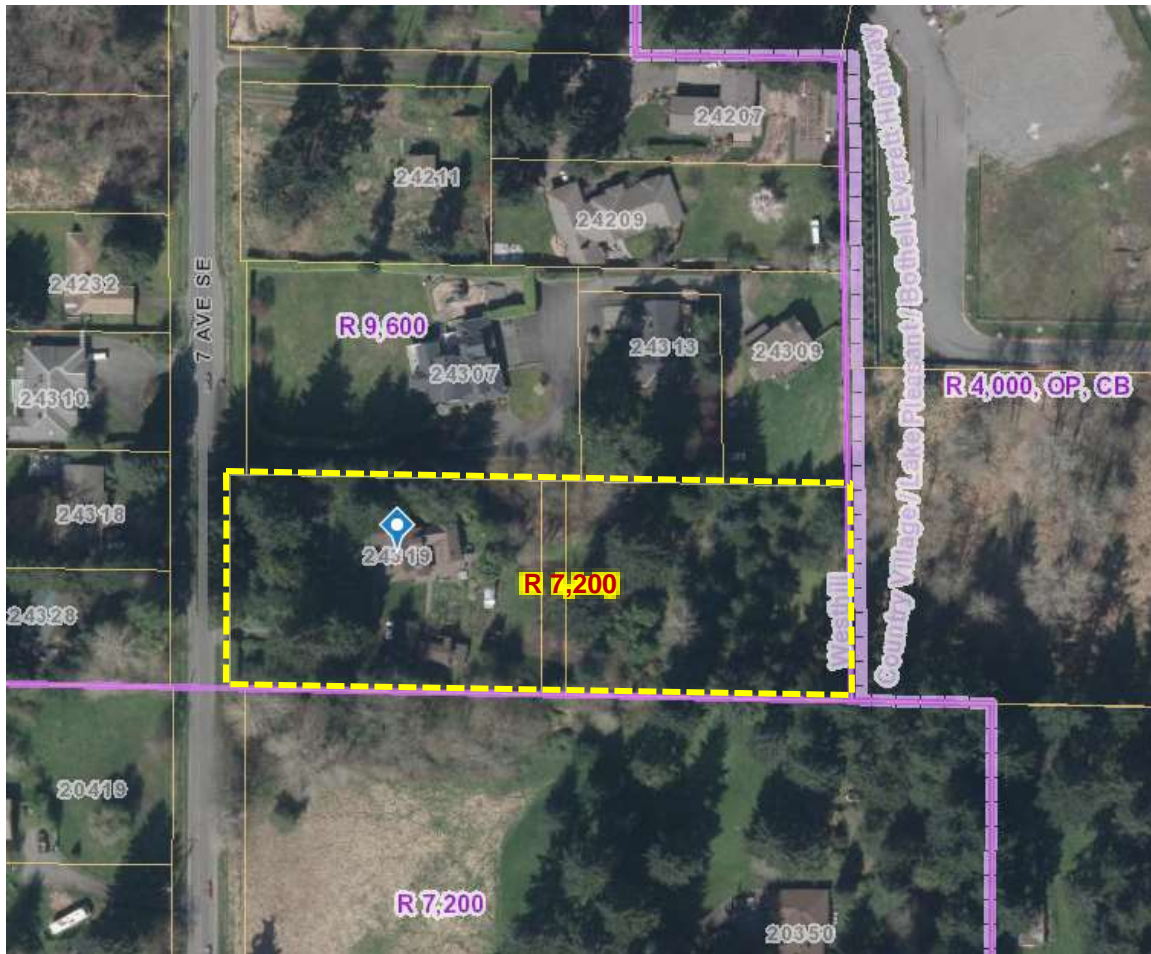
5. Public notice was provided via the October and November 2016 editions of the *"Imagine Bothell..."* notice. Every month the Community Development Department prepares and distributes the *Imagine Bothell...* notice, which describes upcoming hearings and meetings concerning amendments to the City comprehensive plan and development regulations. The detailed notice normally runs four to five pages, and contains the names of staff contacts should the reader desire more information. The *Imagine Bothell...* notice is distributed as follows;
 - E-mailed or sent via U.S. Mail to approximately 200+ individuals who have expressed current or past interest in City land use issues;
 - Published in the legal advertising section of Seattle Times, the City's official newspaper of record, as well as the Bothell-Kenmore Reporter;
 - Posted on 12 freestanding notice boards located throughout the City (each of which includes a plastic bin in which extra copies of the notice are placed);
 - Posted at Bothell City Hall, the Bothell Post Office, the Bothell Regional Library and the Canyon Park Shopping Center; and
 - Placed on the City of Bothell website.
6. The public notice provisions of State Law RCW 36.70A.035 and BMC Title 11 Chapter 19 have been followed.

Process

7. The Planning Commission conducted a public hearing on the proposed Plan and Code amendments on October 19 and November 2, 2016.
8. Community Development planning staff prepared analyses to amend the Bothell Zoning Map to change a portion of R 9,600 zoning in the northeast portion of the Westhill Subarea to R 7,200.
9. All review drafts were made available to the public through two different methods:
 - A. Planning Commission packets for the upcoming Wednesday hearing are available for pick-up by any interested participant on the preceding Friday afternoon at Bothell City Hall, 18415 101st Avenue NE; and
 - B. Extra copies of the Planning Commission packet are available at all public hearings.
10. Three exhibits relevant to these Plan and Code Amendments were received during the public hearing process.
11. In accordance with Section 365-195-620 of the Washington Administrative Code (WAC), copies of this proposed Code amendment will be transmitted to the state Department of Commerce, and other state agencies for their review upon completion of the Planning Commission's recommendation.
12. The SEPA Responsible Official will issue a SEPA Threshold Determination for the proposed Code amendment upon completion of the Planning Commission's recommendation.

Requested Amendments

13. Amend the R 9,600 land use designation and zoning classification for three parcels in the northeast part of the Westhill Subarea to R 7,200 and add affordable housing provisions to the rezoned area (see map below).



The recommended land use designation and zoning classification amendment is outlined in yellow dashed line.

Applicable Comprehensive Plan Goals and Policies

14. The Waynita / Simonds / Norway Hill Subarea portion of the Comprehensive Plan, includes the following Land Use Policy 3, edited to read in part:

Land throughout most of the Subarea is appropriate for detached residential development at minimum lot sizes of 7,200, 8,400 or 9,600 square feet as described in Land Use Element Policy LU-P4 (R 7,200, R 8,400 and R 9,600 over most of the map).

It is appropriate to include a mandatory affordable housing component for the above lands rezoned to R 7,200 on or after December 13, 2016.

This policy is amended to reflect the proposed addition of affordable housing provisions with the recommended rezone.

Specific Planning Commission Findings

15. The R 9,600 zoning for the three parcels east of 7th Avenue SE and just north of the Snohomish / King County boundary is appropriate for R 7,200 zoning,

which would match the zoning to the south, across a proposed collector street, and provide some additional yield to partially offset the cost of building the collector street.

16. Expansion of the rezone and/or further intensification of the zoning in this area may have some merit, due to the proximity of the Bothell-Everett Highway / 240th Neighborhood Activity Center and the cost of building the required infrastructure to develop the area.
17. The increased capacity provided by the rezone and the need to address an increasing discrepancy between median incomes and housing prices justifies a requirement for affordable housing to accompany this rezone.

Proposed regulations

18. The proposed code amendments would amend portions of BMC Sections 12.06.140, Residential uses; 12.14.030, Residential area and dimensions; and Chapter 12.62, Westhill Subarea Regulations; and add a new Chapter 12.07, Affordable Housing. The amendments proposed by the Planning Commission are included as Attachment 1 to these Findings.
19. **Public testimony:** See video recordings for the meetings listed in Finding 7 above on the City of Bothell website for detailed testimony.
20. **List of exhibits:**
 - Exhibit 1: Williamson Plan and Code Amendment Application
 - Exhibit 2: Excerpts from Ordinance #2008
 - Exhibit 3: Williamson letter, 10-20-16

Conclusions

1. **Implementation of adopted Comprehensive Plan policies**

The proposed Code amendments further the goals and policies contained in the *Imagine Bothell...* Comprehensive Plan.
2. **Promotion of the public interest**

The proposed Plan and Code amendments promote the public interest by providing zoning for development compatible with existing subdivisions and infrastructure, and consistent with the area's proximity to the urban core, while protecting the environment through our critical areas and development regulations.

Recommendations

1. Based upon these findings and conclusions, the Planning Commission recommends the City Council approve Plan land use designations and Code

zoning classifications changing the R 9,600 zoning the three parcels east of 7th Avenue SE and just north of the Snohomish / King County boundary to R 7,200.

2. The Planning Commission recommends applying an affordable housing requirement in conjunction with this rezone to leverage the added value to the property owners with needed moderate income ownership housing.
3. The Planning Commission further recommends that Council consider a study of expansion of the rezone and/or further intensification of the zoning in this area, due to the proximity of the Bothell- Everett Highway / 240th Neighborhood Activity Center and the cost of building the required infrastructure to develop the area..

David Vliet, Chair, Planning Commission

Legal Review, Paul Byrne, Interim City Attorney

October 20, 2016

To whomever it may interest or concern:

RE: Bothell By-Pass road effecting Williamson and DeLeu Properties

At last night's Planning Commission Meeting, we were asked by one and encouraged by another commissioner to write a letter of explanation regarding the proposed by-pass road from State Route 527 through the Milot property and on through ours (Williamson's) and DeLeu's.

This originated with the planning and construction of the "new" Safeway store located northeast of where the said road is proposed. Of the numerous meetings, hearings, and finalizing court case, one hurdle that remained for the construction of Safeway was the fact that the state would not allow another stoplight on State Route 527, in less than a quarter of a mile from the light at 240th for business access only. At the time, David Milot was very interested and working very hard at becoming a part of the Safeway project and surrounding development. Playing the role of "Mr. Nice Guy," David personally paid to have an engineer design and draw up multiple options for by-pass roads knowing that most of the proposals would provide an additional signal for Safeway as well as to his property and provide the potentially needed by-pass road for Bothell.

At the time, one of the members of the Bothell City Council was an outspoken residence of Westhill and wanted a by-pass road to limit traffic thru Conifer View. The "not in my back yard" trait played a big part in the choice of which proposed by-pass road was chosen.

In the choosing of this proposed road, Williamsons and DeLeu didn't hold much weight in the decision. Conifer View eliminated their already existing substantial road from being used for this purpose, David Milot benefitted from a "trade" agreement which resulted in the up-zoning of his property, Safeway and the city got their needed traffic light, and Williamsons and DeLeu got their property devalued by requiring private citizens to pay for a major public road.

The "IS THIS LEGAL?" question was raised at the Planning Commissioners meeting on 10/19/16 and any and all answers would be greatly appreciated. We're hoping that this question can be clarified.

Thank you,

Sherm and Mary Williamson
24319 7th Avenue S.E.
Bothell, WA 98021
wmsonsmtb@aol.com
425 483 2969
425 478 7331

ORDINANCE NO. 2007 (2008)

AN ORDINANCE OF THE CITY OF BOTHELL, WASHINGTON, AMENDING THE *IMAGINE BOTHELL...* COMPREHENSIVE PLAN BY REVISING FIGURES WITHIN THE LAND USE, TRANSPORTATION AND OTHER CITY-WIDE ELEMENTS AND POLICIES WITHIN THE COUNTRY VILLAGE / LAKE PLEASANT / SR-527 AND WESTHILL SUBAREA PLANS AND IMPLEMENTING CODE AMENDMENTS TO TITLE 12, AND PROVIDING FOR AN EFFECTIVE DATE AND SUMMARY PUBLICATION

WHEREAS, RCW 36.70A, also known as the Growth Management Act ("the Act"), requires that cities subject to the Act adopt comprehensive plans and implementing development regulations consistent with the Act; and

WHEREAS, in accordance with the Act, the Bothell City Council in 1994 adopted the *Imagine Bothell...* Comprehensive Plan and in 1996 adopted implementing development regulations via amendments to the Bothell Municipal Code; and

WHEREAS, the Act provides that each jurisdiction's comprehensive land use plan and development regulations shall be subject to continuing review and evaluation; and

WHEREAS, the City of Bothell has adopted numerous amendments to the Plan and Code since 1994 and 1996, respectively; and

WHEREAS, the Bothell City Council in January and April, 2008, initiated consideration of amendments to the *Imagine Bothell...* Comprehensive Plan and implementing Codes, and specifically the Country Village / Lake Pleasant / SR-527 Corridor and Westhill Subarea Plans, to consider revisions which might promote the public interest; and

WHEREAS, the Planning Commission on June 11, and July 2, 2008 conducted duly noticed public hearing and deliberations to consider the David Milot Property Owner Initiated Comprehensive Plan and implementing Code amendments and forwarded a recommendation to the City Council; and

WHEREAS the City Council on October 7, October 21, November 2, December 2, and December 16, 2008, conducted duly noticed public hearings and deliberations to consider the Plan amendments and implementing regulations; and

WHEREAS, the Bothell Community Development Department, transmitted drafts of the potential Plan and implementing Code amendments to the Washington State Department of Community, Trade and Economic Development and other state and local agencies for their respective review regarding the 2008 Plan and implementing Code amendments regarding the David Milot Plan and implementing Code amendment request, the 243 ST SE (NE 203rd Street) Connector, and the Bothell-Brier MUGA Boundary on September 5 (Milot and NE 203rd) and October 9 (Bothell - Brier MUGA Boundary), 2008, which transmittal met the requirement in the Growth Management Act that the state receive proposed amendments at least 60 days prior to the anticipated adoption date; and

WHEREAS, the Bothell Community Development Department on November 3, 2008, issued a SEPA Adoption of Non-Significance concerning such amendments, which meets the requirements of the State Environmental Policy Act for review of environmental impacts; and

WHEREAS, the City Council has determined that amendments to Figures located throughout the *Imagine Bothell...* Comprehensive Plan are necessary to reflect the updated MUGA Boundary between the Cities of Bothell and Brier, and amendments to the Country Village / Lake Pleasant / SR 527 and Westhill Subarea Plans and appropriate implementing regulations that add a new street connection and expand the Red Barn Village Special District are in the public interest; and

WHEREAS, the City Council has adopted written Findings, Conclusions and Actions which provide a record of the process and issues involved in the 2008 Comprehensive Plan and implementing Code amendments, and which are attached to this Ordinance as Exhibit A and incorporated by this reference as if set forth in full;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BOTHELL DOES ORDAIN AS FOLLOWS:

Section 1. The Country Village / Lake Pleasant / SR-527 Corridor Subarea Plan of the *Imagine Bothell...* Comprehensive Plan and implementing regulations as found within BMC 12.46.060 and the official zoning map of the City of Bothell is hereby amended as set forth in Exhibit B attached hereto by this reference as if set forth in full.

Section 2. the Westhill Subarea Plan of the *Imagine Bothell...* Comprehensive Plan is hereby amended as set forth in Exhibit B attached hereto by this reference as if set forth in full.

Section 3. The Transportation Element of the *Imagine Bothell...* Comprehensive Plan, specifically Figure TR-2, is hereby amended as set forth in Exhibit B attached hereto by this reference as if set forth in full.



Section 4. The Community Development Director is hereby authorized to revise *Imagine Bothell...* Comprehensive Plan Figures LU-1, LU-2, LU-3, LU-4, LU-5, LU-6, NE-1, NE-2, NE-3, NE-4, NE-5, NE-6, SMP-1, ED-1, ED-2, PR-1, HP-1, UD-1, AN-1, UC-1, TR-1, TR-2, TR-3, TR-4, TR-5A, TR-5B, TR-6, TR-7, TR-8, TR-9, TR-10, TR-11, CF-1, CF-2, CF-3, CF-4, CF-5, and Subarea Figures, QB-1, SV-1, CV-1, CP-1, CC-1, FI-1, MB-1, NC-1, HH-1, BR-1, WH-1, DT-1, and WS-1 to reflect the adopted MUGA Boundary between the Cities of Bothell and Brier, an example of which (LU-2) is contained in Exhibit B attached hereto as if set forth in full.

Section 5. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 6. Savings. The enactments of this ordinance shall not affect any case, proceeding, appeal or other matter currently pending in any court or in any way modify any right or liability, civil or criminal, which may be in existence on the effective date of this ordinance.

Section 7. Effective date. This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum, and shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

Exhibit A to Ordinance

2008 *Imagine Bothell...* Comprehensive Plan and Implementing Code amendments City Council Findings, Conclusions and Actions

General findings

1. Basis in state law

The Growth Management Act, codified as RCW 36.70A, requires that counties and cities subject to the Act adopt comprehensive plans and implementing development regulations consistent with the Act. The Act further provides that each jurisdiction's comprehensive plan and development regulations shall be subject to continuing review and evaluation.

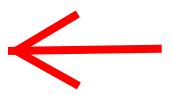
2. Original adoption of, and amendments to, the *Imagine Bothell...* Comprehensive Plan and implementing development regulations in the Bothell Municipal Code

The *Imagine Bothell...* Comprehensive Plan was originally adopted in 1994. Development regulations in the Bothell Municipal Code were amended to implement the Plan in 1996. Since then, the Plan and Code have been amended numerous times. The latest Plan amendment was approved on December 4, 2007, via Ordinance 1985, and the latest Code amendment was approved on September 2, 2008, via Ordinance 1998. The Growth Management Act allows comprehensive plans to be amended no more often than once each year, with certain exceptions: the Act places no such limit on amendments to development regulations.

3. Initiation of potential 2008 Plan and implementing Code amendments

The City Council initiated consideration of the following potential Plan amendments and implementing Code amendments to be acted on in 2008:

- 1) David Milot Comprehensive Plan amendment and implementing Code amendment requests (Country Village / Lake Pleasant / SR-527 Corridor Subarea Plan);
- 2) 243 Street SE (NE 203rd) Connector designation (Planning-Area-wide Transportation Element [Figure TR-2]; Country Village / Lake Pleasant / SR 527 Corridor Subarea Plan; Westhill Subarea Plan);
- 3) Incorporation of adopted Bothell-Brier Municipal Urban Growth Area Boundary (Planning-Area-Wide Land Use Element and other elements and subarea plans).



Specific Findings regarding each of these potential actions are included below.

4. Public participation - Notification of hearings and meetings

Notification of hearings, meetings and other events and actions concerning the potential Plan amendments and implementing Code amendments was provided through a variety of methods:

- Every month the Community Development Department prepares and distributes the *Imagine Bothell...* notice, which describes upcoming hearings

and meetings concerning amendments to the City comprehensive plan and development regulations. The detailed notice normally runs four to five pages, and contains the names of staff contacts should the reader desire more information. The *Imagine Bothell...* notice is distributed as follows;

- E-mailed or sent via U.S. Mail to approximately 210 individuals who have expressed current or past interest in City land use issues;
- Published in the legal advertising section of The Seattle Times newspaper, the City's official newspaper of record;
- Posted on 12 freestanding notice boards located throughout the City (each of which includes a plastic bin in which extra copies of the notice are placed);
- Posted at Bothell City Hall, the Bothell Post Office, the Bothell Regional Library and the Canyon Park Shopping Center; and
- Placed on the City of Bothell website.

David Milot Plan and Code amendment request and 243 Street SE (NE 203rd) Connector designation:



- In addition to the above methods, prior to the Planning Commission consideration of the David Milot Plan and Code amendment request, a postcard was mailed to addresses located approximately 1,000 feet from the subject properties. The postcard summarized the request and potential amendments, identified where people could obtain additional information, identified time and place of upcoming hearings and invited individuals to participate in the process.
- Before the City Council public hearing to consider the David Milot request and 243 Street SE (NE 203rd) Connector, a second postcard containing similar information was sent to addresses located approximately 1,000 feet from the subject properties.

The City Council finds that the citizen participation efforts listed above satisfy the Growth Management Act goal of encouraging the involvement of citizens in the planning process.

5. Public participation - Dissemination of potential Plan and Code amendments and SEPA Threshold Determination

The potential Plan and implementing Code amendments and the State Environmental Policy Act (SEPA) Threshold Determination on the potential amendments were made available to the public in paper form at various locations - at City Hall, the Community Development Department, and the Bothell Regional Library - and in electronic form on the City's website.

See also Findings 7, DCTED review, and 8, SEPA review.

6. Public participation - Hearing dates and televising of hearings

All public hearings of the Planning Commission and the City Council concerning the potential 2008 Plan amendments and implementing Code amendments were televised on the City's cable television station, BCTV. Dates of public hearings held by the Planning Commission and City Council are listed below by topic. The Planning Commission conducted public hearings on the David Milot Plan and Code amendment request and forwarded a recommendation to Council. The Council

retained for its own direct consideration the Bothell-Brier MUGA Boundary and NE 203rd Street (243rd Street SE) Connector Plan amendments. Dates of public hearings by potential amendment follow:

David Milot Property Owner Initiated Plan and Code amendments public hearings:

- Planning Commission - June 11 and July 2, 2008
- City Council - October 7, October 21, December 2 and December 16, 2008

243 Street SE (NE 203rd) Connector Plan amendments public hearings:

- City Council - October 7, October 21, December 2 and December 16, 2008

Bothell-Brier MUGA Boundary Plan amendment public hearings:

- City Council - November 25, December 2 and December 16, 2008

Exhibits submitted at public hearings are identified under the specific Findings for each of the different Plan amendments.

7. DCTED review

RCW 36.70A.106 requires each county and city proposing adoption or amendment of a comprehensive plan or development regulation under the Act to notify the state Department of Community, Trade and Economic Development (DCTED) of its intent to do so at least 60 days before final adoption. Accordingly, the Bothell Community Development Department transmitted copies of draft Plan amendments to DCTED and other state and local agencies regarding the David Milot Plan and Code amendment request, the 243rd Street SE (NE 203 ST) Connector, and the Bothell-Brier MUGA Boundary on September 5 (Milot and 243 ST SE Connector) and October 9 (Bothell - Brier MUGA Boundary), 2008.

No DCTED or other agency comments were received within the comment period.

8. SEPA review

The State Environmental Policy Act (SEPA) rules contained in the Washington Administrative Code (WAC) require jurisdictions to determine whether an amendment to a comprehensive plan and/or development regulation is likely to have any significant adverse environmental impact. If the jurisdiction determines that the amendment is likely to have a significant environmental impact that cannot be mitigated to a non-significant level, preparation of an environmental impact statement is required.

In accordance with the SEPA rules, the Bothell Community Development Department considered the 2008 potential amendments to the *Imagine Bothell...* Comprehensive Plan and Code amendments by evaluating previous SEPA Actions, including the Final Supplemental Environmental Impact Statement prepared for the 2006 Plan amendments, the Final Supplemental Environmental Impact Statement for the 2005 Plan and Code amendments and the Final Environmental Impact Statement prepared for the 2004 Major Comprehensive Plan update, and by examining a SEPA Environmental Checklist and the proposed action. The SEPA Responsible Official

determined the 2008 Plan amendments and implementing Code amendments did not represent a probable significant adverse environmental impact and issued a Threshold Determination of Non-Significance on November 3, 2008.

Findings applicable to the David Milot Plan and Code amendment request concerning the Country Village / Lake Pleasant / SR 527 Corridor Subarea Plan

9. David Milot, representatives

Mr. Milot is represented by Ms. Deloa Parrish, of Greenhill Communities LLC, Andy Dempsey of Transportation Solutions Inc (TSI), and Cliff Strong of W&H Pacific.

10. Request

Mr. David Milot is requesting a property-owner-initiated Comprehensive Plan Amendment and subsequent implementing zoning to change the Comprehensive Plan map designations of approximately 11 acres from the current designations of R 5400a and OP to a new designation of R 2,800, OP, and CB. The properties are located within the Country Village \ Lake Pleasant \ SR 527 Corridor Subarea. The request was amended May 8, 2008 to change the residential density component from R 4,000 to R 2,800 due to the impacts associated with the future NE 203 ST Connector which would be placed within the subject properties. The request would expand the Red Barn Village Special District south approximately 600 feet except residential density would be higher: R 2,800 instead of R 4,000. The application indicates development occurring on the Milot properties would be: "...a mixed use urban village with approximately 100 - 130 dwelling units. The preliminary design has townhome residential and small scale office and commercial spaces surrounding a plaza..." (See Exhibits 6 and 7)

Another component of this request seeks an amendment to the required buffer provisions of the Red Barn Village Special District. Currently, policy LU-P10, subsections j and k (these standards would become applicable to the subject properties as part of the Red Barn Village Special district) provides the following separation standards:

- "j Installation of a minimum 100-foot building setback with a minimum 30-foot wide landscape buffer adjacent to detached residential areas utilizing fences, walls, berms, dense, fast growing landscaping, or other noise-absorbing and sight-obscuring techniques (exact composition of the buffer to be determined in conjunction with development plan review). The area between the 30-foot landscape buffer and the 100-foot building setback may be used for parking lots, access drives, storm water facilities, and other improvements not involving above ground structures;
- k. A transition of building mass and density from the greatest mass and density near the intersection to the least mass and density adjacent to the abutting single family development. Abutting the setback, buildings containing office professional or community business uses should be limited to one story in height. However, a second story may

be added to buildings abutting the setback provided the second story is devoted exclusively to residential uses;"

The applicant's May 9, 2007 proposal would exempt single family residential uses from the above separation (buffer/setback) requirements. Thus, when detached residential uses were placed along the western property line the city-wide standard 15 foot rear yard setback would apply. The applicant's May 9, 2007 Comprehensive Plan language amendment follows (new language is underlined):

- "j Except for single family residential uses, installation of a minimum 100-foot building setback with a minimum 30-foot wide landscape buffer adjacent to detached residential areas utilizing fences, walls, berms, dense, fast growing landscaping, or other noise-absorbing and sight-obscuring techniques (exact composition of the buffer to be determined in conjunction with development plan review). The area between the 30-foot landscape buffer and the 100-foot building setback may be used for parking lots, access drives, storm water facilities, and other improvements not involving above ground structures;

The applicant has modified the original proposal above in favor of a prescriptive transition provision that would implement a transition of lesser (single family) to higher (office/retail) intensity uses as illustrated in Exhibit 8. The transition proposal would place detached single family residential adjacent to the R 9,600 zoned areas, and then transition to multi-family and office/retail uses.

The transition proposal, as measured from the common property line of adjacent R 9,600-zoned lands can be described as: a 15 foot setback - detached single family residential structure - a 20 foot wide front yard - a private access drive - a 10 foot wide landscape/pedestrian area - mixed use buildings containing multi-family residential (townhouse) and office professional and retail uses. The revised proposal attempts to implement Policy 10.k which states: "...transition of building mass and density from the greatest mass and density near the intersection to the least mass and density adjacent to the abutting single family development ..."

11. Location of properties

The parcels are generally located in the NE 205th ST/244th ST SE block of the Bothell-Everett Highway. One parcel is located in Snohomish County and is known as tax parcel identification number 27053100305100 (5100) and is addressed as 24324 Bothell-Everett Highway. The other parcel is located in King County and is known as tax parcel identification number 0626059256 (9256) and is addressed as 9000 NE 203rd Place. The properties are located immediately south of the proposed Safeway Grocery Store site. The Safeway and Milot sites would coordinate access to SR 527 via Alternative 1 of the 243 Street SE (NE 203rd) Connector as adopted by the City Council on May 20, 2008. (See Exhibit 3).

The Milot properties are located within the Country Village / Lake Pleasant / SR 527 Corridor Subarea, but directly abut properties located within the Westhill Subarea.

12. Relationship to the Natural Environment and Critical Areas. A formal scientific assessment of the critical areas for the entire site has not been provided at this time and is not a required submittal item for a Comprehensive Plan amendment. Any

future development application for building or grading activities will be required to submit all documentation required by the Critical Areas Regulations.

According to the City's Critical Areas mapping project, a small wetland exists in the northern portion of the subject property. A category 3 wetland exists on the Safeway property in the vicinity of the wetland shown on the City's maps. Further, Horse Creek (a perennial non-fish bearing stream) parallels the frontage of SR 527 in the eastern portion of parcel 9256. A portion of Horse Creek on the Milot property is currently culverted (in a pipe).

Any development application would be required to delineate and type all critical areas on the site and appropriate buffers would be established.

- 13. Previous Amendments to Land Use Designations of Nearby Properties.** In 2005, the properties immediately north of the Milot site were the subject of property-owner-initiated (POI) Comprehensive Plan amendment requests known as the Eskeback and Stephens requests. The Eskeback and Stephens property-owner-initiated amendment requests sought land use designations of R 4,000, OP, CB.

Further, the Eskebacks and Stephens' POI requests also sought modification of the, at the time, mandatory 100 foot wide separation buffer required along the western property boundaries. Historically, these special separation requirements were placed throughout the city to protect low density (R 40,000) single family residential areas. The special separation buffer standards established in 1994 required: "Installation of a minimum 100-foot buffer adjacent to single family zoning utilizing fences, walls, berms, dense, fast growing landscaping, or other noise-absorbing and sight-obscuring techniques (exact width of the buffer to be determined in conjunction with development plan review)." Further, the Country Village Subarea Plan currently stipulates, "Abutting the buffer development buildings should be limited to one story in height;"

As part of the Eskeback and Stephens Comprehensive Plan amendment requests, the City Council determined the 100-foot buffer language could be modified to reflect the changed conditions of the Subarea (Safeway and increased density of properties located west of the area) and the effectiveness a 30-foot wide landscape buffer had been adequately demonstrated within the SSHO. However, the need for separation was not eliminated entirely as the City Council made the following finding:

"Conversely, the City Council finds there is a very real need to provide for significant screening to separate the detached residential areas to the west from the potentially incompatible Community Business uses. Therefore, the City Council finds that an appropriate separation in this case would include both a landscape screen and a setback for retail or commercial buildings."

The 2005 (amended) language essentially took what was a 100-foot wide landscape buffer and converted it into a 30-foot wide landscape buffer with a 100-foot building setback. The 70 feet of land located between the 30-foot landscape buffer and the 100-foot building setback allows parking areas, surface water facilities and other improvements. The current (2005) separation language is provided below:


- "j. Installation of a minimum 100-foot building setback with a minimum 30-foot wide landscape buffer adjacent to detached

residential areas utilizing fences, walls, berms, dense, fast growing landscaping, or other noise-absorbing and sight-obscuring techniques (exact composition of the buffer to be determined in conjunction with development plan review). The area between the 30-foot landscape buffer and the 100-foot building setback may be used for parking lots, access drives, storm water facilities, and other improvements not involving above ground structures;

- k. A transition of building mass and density from the greatest mass and density near the intersection to the least mass and density adjacent to the abutting single family development. Abutting the setback, buildings containing office professional or community business uses should be limited to one story in height. However, a second story may be added to buildings abutting the setback provided the second story is devoted exclusively to residential uses; "

14. Capital Facilities. The extension of sewer, water, and stormwater facilities can be readily provided and deficiencies in these facilities are not an issue.

15. Relationship to Neighboring Properties. An understanding of the relationship of the subject property with neighboring properties when evaluating amendment requests is another consideration when evaluating a property-owner-initiated Comprehensive Plan amendment.

- West: Existing large-parcel single family areas planned for future single family residential areas. Under existing Land Use Policy 10, these adjacent residential areas are to be separated from the Milot properties with a 30-foot wide landscape buffer and a 100-foot wide building setback.
- North: The proposed and planned Safeway store development. Mr. Milot and representatives of the Safeway development are coordinating on a number of issues, including the common access point to be provided by the 243 Street SE (NE 203rd) Connector. 
- East: Properties include the Lake Pleasant Recreation Vehicle Park, the Knights of Columbus meeting hall/community hall, the currently under construction Neilson Ridge development of 62 units of detached condominiums, and a large-parcel single family residence planned for future residential and office areas.
- South: Properties include the City's Haynes Park which is currently undeveloped, and a large parcel single family residence planned for future detached single family residential.

As identified in Finding 15, the Applicant is proposing an amendment to the 30-foot wide landscape buffer/100-foot building setback which is currently required from all adjacent R 9,600 zoned lands. The applicant is proposing a transition area that would except detached single family residential from the buffer/setback provisions and would allow single family residential structures to be placed as close as 15 feet from the adjacent R 9,600 zoned lands.

16. Capacity Analysis Implications.

The *Imagine Bothell...* Comprehensive Plan Land Use Element includes a land capacity analysis which identifies the assigned King and Snohomish County growth targets and demonstrates the Comprehensive Plan's capacity for population and employment. A land use capacity analysis is a complex series of calculations and assumptions based upon on-the-ground developments, where the acreage of the Plan's different land use designations are turned into specific population and employment projections or capacities. The Land Use Element of the Imagine Bothell Comprehensive Plan discusses the population and employment growth targets assigned to the City via a process established under the King and Snohomish County-wide Planning Policies. Table LU-11 (below) illustrates both the County growth targets and the Plan's capacity. Currently, Table LU-11 indicates the Comprehensive Plan provides a surplus in both population and employment capacity by 2025 in both King and Snohomish Counties.

Table 1 - Population

Portion of City	Total capacity per 2002 Buildable Lands Report + 2005 & 2006 Plan Amendments	2025 target, expressed as total population
Within King County	23,278	20,836
Within Sno County	22,413 - 23,328	22,000
Totals	45,691- 46,606	42,836

Table 2 - Employment

Portion of City	Total capacity per 2002 Buildable Lands Report + 2005 & 2006 Plan Amendments	2025 target, expressed as total employment
Within King County	41,158	12,833
Within Sno County	26,422	15,840
Totals	67,580	28,673

17. Capacity analysis of the Milot property-owner-initiated Comprehensive Plan amendment request

To assess the potential growth impacts of the Milot Comprehensive Plan amendment, staff conducted two separate capacity analysis. The first analysis, Table 3, applies city-wide standard deductions of 20% for Critical areas; 18% for public rights-of-way; 5% for other public uses (stormwater facilities); and assigned a 30% market factor. The analysis reveals that the population capacity increases by 98 persons; and decreases by 115 employees. The decrease in employment capacity is due to the greater floor area per employee provided retail (700 sq. ft.) and

office (350 sq. ft.) and the smaller floor area ratio (FAR) assigned retail uses. All figures are derived from the Snohomish County 2006 Buildable Lands Report.

Table 3 - Capacity analysis based upon city-wide deductions

<u>Name</u>	<u>Gross acres</u>	<u>SC deduct-ions (1)</u>	<u>SC mkt factor (2)</u>	<u>Available net builda-ble acres</u>	<u>A: Pre-amend-ments pop or emp capacity (3)</u>	<u>B: Post-amend-ments pop or emp capacity (3)</u>	<u>B - A: Net increase or de-crease in pop or emp capacity</u>
David Milot Amendment Request - utilizing city-wide standard deductions							
R 4,000, OP, CB (4), (5)	11.21 acres	4.82 acres	1.68 acres	4.71 acres	38 units 106 pop 216 Emp	51 units 142 pop 101 emp*	+ 13 units + 36 pop - 115 emp

* The cause of the reduction in employment is due to the smaller FAR assigned retail uses as opposed to offices (.20 vs. .37) and the larger square footage per employee assigned retail as opposed to offices (700 sq. ft. vs. 350 sq. ft.)

Footnotes city-wide capacity table:

1. Critical areas and their buffers, right of way and land for other public purposes were deducted from gross acres. For critical areas and their buffers, and right of way, deductions were 20 percent and 18 percent, respectively, representing the City-wide percentages of these features. For land for other public purposes, deductions were 2 percent in King County and 5 percent in Snohomish County, utilizing the numbers applied in each county's Buildable Lands analyses.
2. A further market factor deduction is typically applied to account for the tendency of some developable properties not to be available during the planning horizon, due to the owner's disinterest in selling or other reasons. In the Snohomish County Buildable Lands analysis, 15 percent was applied to vacant land and 30 percent to under-utilized land. Because the applicant has indicated a strong desire to construct a development on the subject property in the near term, the typical market factor was not applied.
3. In accordance with the Buildable Lands methodologies, population capacity = net buildable acres x achieved or assumed number of units per acre x persons per household (per OFM-1.8 pph for attached units; 2.8 pph for detached units) x occupancy rate (per OFM 90% for attached units; 94% for detached units); employment capacity = net buildable acres x 43,560 x employment sector floor area ratio (e.g. retail = .20 FAR and office = .37 FAR) / number of square feet per employee (e.g. retail is 700 sq. ft. per employee and office is 350 sq. ft. per employee). For the existing designations office comprises the entire area (OP zoning). For the proposed designations office comprises 30 % and retail comprises 70%)
4. The R 4,000 designation permits attached or detached housing. Development occurring within this designation is often termed 'detached condominiums' and have the appearance, uses, and person per household numbers more similar to single family than multi-family. Therefore, OFM single family 2.8 PPH numbers were used.
5. The R 4,000, OP, CB designations allow private roads. Thus the area dedicated as public rights-of-way may be less than the city-wide average of 20 percent and, for this site (NE 203 ST Connector) the actual figure is 8 percent which is used in the second analysis.

The second analysis, Table 4, applies site-specific deductions of 5% for Critical areas; 8% for public rights-of-way; 5% for other public uses (stormwater facilities); and assigned a 0% market factor. The analysis reveals that the population capacity increases by 193 persons; and decreases by 137 employees. All figures are derived from the Snohomish County 2006 Buildable Lands Report.

Table 4 - Capacity analysis - site specific conditions

<u>Name</u>	<u>Gross acres</u>	<u>Site-specific deductions (1)</u>	<u>No mkt factor (2)</u>	<u>Available net buildable acres</u>	<u>A: Pre-amendments pop or emp capacity (3)</u>	<u>B: Post-amendments pop or emp capacity (3)</u>	<u>B - A: Net increase or decrease in pop or emp capacity</u>
David Milot Amendment Request - utilizing site-specific deductions							
R 4,000, OP, CB (4), (5)	11.21 acres	2.01 acres	0.0 acres	9.20 acres	74 units 207 pop 344 Emp	100 units 280 pop 207 emp*	+ 26 units + 73 pop - 137 emp

* The cause of the reduction in employment is due to the smaller FAR assigned retail uses as opposed to offices (.20 vs. .37) and the larger square footage per employee assigned retail as opposed to offices (700 sq. ft. vs. 350 sq. ft.)

Footnotes site-specific capacity table:

1. Critical areas and their buffers, right of way and land for other public purposes were deducted from gross acres. For critical areas and their buffers, and right of way, deductions were 5 percent and 8 percent, respectively, representing the conditions derived from the proposed NE 203 ST Connector and the City of Bothell Critical Areas Maps. An actual critical area delineation and the final location of the 203 ST SE connector has not been identified to date. For land dedicated for other public purposes (surface water runoff facilities), 5 percent as derived from the Snohomish County Buildable Lands analysis was used. Thus, 18% of the gross site was deducted.
2. Because the property owner has expressed a strong desire to construct a development on the subject property in the near term a market factor deduction is not being applied. Typically a market factor is applied to account for the tendency of some developable properties not to be available during the planning horizon, due to the owner's disinterest in selling or other reasons. In the Snohomish County Buildable Lands analysis, 15 percent was applied to vacant land and 30 percent to under-utilized land.
3. In accordance with the Buildable Lands methodologies, population capacity = net buildable acres x achieved or assumed number of units per acre x persons per household (per OFM-1.8 pph for attached units; 2.8 pph for detached units) x occupancy rate (per OFM 90% for attached units; 94% for detached units); employment capacity = net buildable acres x 43,560 x employment sector floor area ratio (e.g. retail = .20 FAR) / number of square feet per employee (e.g. retail is 600 sq. ft. per employee).
4. The R 4,000 designation permits attached or detached housing. Development occurring within this designation is often termed 'detached condominiums' and has the appearance, uses, and person per household numbers more similar to single family than multi-family. Therefore, OFM single family 2.8 PPH numbers were used.
5. The R 4,000, OP, CB designations allow private roads. There is also to possibility that the 203 ST SE Connection would be located on the subject property(s). Thus the area dedicated as public rights-of-way may be less than the city-wide average of 20 percent. Therefore, for the R 4,000, OP, CB designations ROW dedication has been reduced from 18 percent to 5 percent

18. Potential traffic impacts of the Milot Property-Owner-Initiated Comprehensive Plan amendment

Any evaluation of Plan amendments should include an understanding of the potential traffic generation rates that may result when land use designations are revised. However, at the Comprehensive Plan amendment level an evaluation of the actual traffic is simply not possible due to the different possible land uses allowed and the lack of specific floor area that may occur. The Milot request would increase residential densities (R 5,400a to R 4,000) and place a land use designation that allows retail uses (Community Business or CB). The CB designation allows a wide range of different indoor retail sales (from auto parts stores to drive-thru restaurants). Because there is a wide range of potential uses, it is not feasible to estimate, at this point, the actual trip generation and traffic distribution that may occur under this amendment.

By consulting the International Transportation Engineers (ITE) published trip generation rates (*Trip Generation*, 7th Edition) it is possible to compare traffic

generation rates for different uses. Such an approach is useful as a comparison tool when evaluating the trip generation rates that may occur between similarly-sized buildings containing different uses (e.g. a clothing store compared with an attorney's office).

Table 5 - Trip generation of uses that could be allowed under the current land use designations of R 5,400a, OP

Use	Average Daily	PM Peak (4-6 pm)	AM Peak (7-9am)
Single family detached per household	9.57	1.01	0.75
Apartment attached - per dwelling unit	6.72	0.62	0.51
Hotel - per room	8.17	0.59	0.56
General Office per 1,000 gsf	11.01	1.49	1.55
Medical/Dental Office (Clinic) per 1,000 gsf	31.45	5.18	N/A
Drive-in Bank per 1,000 gsf	246.49	45.74	12.34

Table 6 - Trip generation of uses that could be allowed under the proposed land use designations of R 2,800, OP, CB


Use	Average Daily	PM Peak (4-6 pm)	AM Peak (7-9am)
Single family - detached	9.57	1.01	0.75
Apartment - attached	6.72	0.62	0.51
Hotel - per room	8.17	0.59	0.56
General Office per 1,000 gsf	11.01	1.49	1.55
Medical/Dental Office (Clinic) per 1,000 GSF	31.45	5.18	N/A
Drive-in Bank per 1,000 gsf	246.49	45.74	12.34
Trip Generation of uses allowed under a CB Designation			
Shopping Center (multiple stores) per 1,000 glf	42.94	3.75	1.03
Specialty Retail center (multiple shops) per 1,000 glf	44.32	2.71	6.84
Auto Parts store per 1,000 gsf	61.91	5.98	2.21
Fast food drive thru restaurant - per 1,000 gsf	496.12	53.11	34.64

Glf = gross leasable floor area

Gsf = gross floor area

As an additional comparison, information from the Safeway development concurrency letter issued on December 28, 2006 (City Case No. CON2006-0005) identifies potential traffic impacts and mitigation. The Safeway development comprises a 206,693 gsf Shopping Center, 2000 gsf Coffee Shop with Drive-thru, and a 12 fueling stall Gasoline/Service Station on 15.9 acres of property. The Concurrency letter identifies that the Safeway development is calculated as generating 735 net new PM peak hour trips. According to the concurrency encumbrance letter, the total estimated traffic fee required is \$990,087.

Traffic studies and analysis consistent with Title 17 of the Bothell Municipal Code must be submitted concurrent with a development application (such as occurred with the Safeway development). It is at this point where the direct impact of a development application can be identified and evaluated and where appropriate traffic mitigation can be calculated. Further, development occurring on the Milot properties would likely require construction of frontage improvements to SR 527 which may include curb, gutter, sidewalks and lane widening. The Bothell-Everett Highway is classified as an arterial within the Transportation Element of the Comprehensive Plan.

The 243 Street SE (NE 203rd) Connector also affects the transportation infrastructure within this and adjoining Subareas. Exhibit 2 illustrates the Council-adopted location of the future 243 Street SE (NE 203rd) Connector which is an east-west oriented street planned to connect 88 Ave NE with SR 527. See Finding 25 for a detailed discussion of the 243 Street SE (NE 203rd) Connector. 

19. Reasonable Alternatives:

There are two sets of alternatives included for consideration. The first series of alternatives is the land use designations which would be assigned to the properties; the second series of alternatives involves the applicant's request for amendments to the existing separation provisions:


Land use designations:

- A. Accept the amendment as proposed by recommending Plan designations of R 2,800, OP, CB;
- B. Modify the amendment by recommending Plan designations of, for example, R 4,000, OP, NB; or
- C. Leave the current designations in place.

Separation - buffer provisions

- D. Accept the exception for detached single family residential;
- E. Accept the exception with specific performance standards which would include descriptive transition requirements;
- F. Modify the proposal by exempting detached single family residential from the 100-foot building setback but maintain the 30-foot wide landscape buffer;
- G. Modify the proposal by exempting detached single family residential from the 100-foot building setback but maintain a lesser width landscape buffer;
- H. Modify the proposal by exempting detached single family residential but craft specific performance criteria to ensure neighborhood compatibility; or
- I. Leave the current separation provisions in place.

20. Related City-actions affecting the proposed Plan amendment

The Milot Comprehensive amendment request is affected by a concurrent and related city-action known as the 243 Street SE (NE 203rd) Connector. The 243 Street SE (NE 203rd) Connector is a future street derived from Westhill Subarea Plan Transportation Policy 15 which states: "Investigate and consider extension of the NE 203rd Street alignment from 88th Avenue NE to SR 527. Such alignment shall not incorporate NE 203rd Place." The City Council initiated consideration of the NE 243 Street SE (NE 203rd) Connector as a Comprehensive Plan amendment on April 1, 2008. 

The Connector, as proposed, is intended to address a number of neighborhood transportation objectives to benefit the community in general. However, the 243

Street SE (NE 203rd) Connector would benefit the applicant by providing direct public right-of-way access to the subject properties as well as a signalized intersection at the Bothell-Everett Highway (SR 527) thus allowing north-bound vehicle movements.

The 243 Street SE (NE 203rd) Connector preferred alternative would cross the northern portion of the Milot property as it continues west to 88 Ave NE. The amount of Milot property that would be displaced occupied by the connector public right-of-way has been calculated by the applicant as being approximately 35,000 sq. ft. or 0.8 acres. Land Use Policy LU-P4 prohibits land dedicated for public-rights-of-way as being able to be credited for residential density. Given the loss of development potential (approximately 10 dwelling units), the applicant is requesting a change to the Comprehensive Plan amendment request from the original proposal of R 4,000, OP, CB to the latest proposal of R 2,800, OP, CB.

21. County-Wide Planning Policies

As a Growth Management Act (GMA) community, Bothell is obligated to follow County-wide Planning Policies for all updates and amendments to the *Imagine Bothell...Comprehensive Plan*. The following King and Snohomish County-wide Planning Policies are particularly relevant:

King County-Wide Planning Policies LU-69

All jurisdictions shall develop neighborhood planning and design processes to encourage infill development and enhance the existing community character and mix of uses.

The City of Bothell utilized a subarea planning process to establish the Red Barn Village Special district. The David Milot Comprehensive Plan amendment request would expand an existing neighborhood village area which will in turn promote a greater mix of uses.

T-8

In order to maintain regional mobility, a balanced multi-modal transportation system shall be planned that includes freeway, highway, and arterial improvements by making existing roads more efficient. These improvements should help alleviate existing traffic congestion problems, enhance high-occupancy vehicle and transit operations, and provide access to new desired growth areas, as identified in adopted plans.

The planned 243 Street SE Connector will help alleviate existing traffic congestion occurring at 240 Street SE and SR 527 as well as provide improved access to growth areas (Red Barn Village special district) in compliance with this policy.

Snohomish County-Wide Planning Policies UG-9

Respect the character of existing residential neighborhoods and nonresidential areas when planning for urban centers and mixed use developments within urban growth areas (UGA's). Develop planning and design processes to implement strategies to:

1. Require all new residential and commercial development to achieve a high level of pedestrian and public transit compatibility
2. Encourage infill development
3. Enhance the existing community character and mix of uses

This policy applies, on a county-wide basis, an expectation that the character of existing neighborhoods will be taken into consideration by utilizing certain criteria whenever urban centers or mixed use developments are planned. The existing 30-foot wide landscape buffer and 100-foot wide building setback (discussed in greater detail in other Findings) implements this County-Wide Planning Policy and should not be modified except to enhance or improve the buffer.

UG-10

As a means of encouraging efficient use of non-residential land areas, local governments should provide incentives for multi-story commercial and mixed-use development.

The proposed amendment includes land use designations that permit mixed-use developments.

22. Consistency with applicable *Imagine Bothell*...Comprehensive Plan Policies and Actions

- LU-P5 Promote integration of housing and commercial development in locations where combining such uses would be mutually beneficial.

The proposal would include both housing and commercial development within the Red Barn Special District where such a mixture of uses has been identified as being in the best interests of the community.
- LU-P6 Preserve the character of established neighborhoods and protect such neighborhoods from intrusion by incompatible uses. Infill development in established neighborhoods should be sensitive to and incorporate to the maximum extent possible those features which impart to each neighborhood a unique identity and sense of coherence. Examples of such features include a particular scale or style of housing, commonality in building materials (e.g. brick vs. wood siding), a predominant street pattern, a prevailing lot size and width, and similarities in landscaping from property to property.

The area is subject to existing buffer/setback requirements, which are greater than those applied on a city-wide basis. This is due to the need to maintain the integrity of the adjacent detached residential neighborhood. The City Council finds the applicant's request to modify the buffer/setback provisions is not consistent with this policy and does not reflect previous actions (2005 Plan amendments) recently enacted by the City Council. Further, the City Council finds there is a need to enhance the existing buffer/setback language to reflect the buffer treatment established as a result of the Safeway Conditional Use Permit approval process.

- LU-P15 Update the Plan on a regular basis to ensure that it continues to reflect community values and desires as they may change over time. The scope of a Plan update may vary:
- It may concern the entire Plan (although such major updates are anticipated no more often than every seven years).
 - It may concern individual or multiple elements or subareas of the Plan. For example, the capital facilities element needs to be revised regularly to reflect completed projects, new planned projects, and changing city priorities.
 - It may concern specific property designations or policies, in response to amendment requests from citizens or appointed or elected City officials.
- Mr. David Milot submitted a property-owner-initiated Comprehensive Plan amendment request in compliance with the above policy.
- HO-P9 Promote residential development in downtown and other commercial areas where combining such uses would promote the vitality and economic viability of the area.
- The proposed amendment would allow a greater number of residential units within the Red Barn Special District - an area which is specifically envisioned by the community as a residential/commercial mixed-use neighborhood.
- ED-P2 Allocate land for retail development in appropriate locations and in sufficient acreage to attract and maintain shopping opportunities at the neighborhood, community and regional levels.
- This request would expand the land available for retail development within an area already proposed for substantial retail development (the Safeway development).
- ED-P10 As a means of promoting vibrant retail areas, encourage the combination of residential dwelling units and businesses on the same property or within an identified district, where deemed to be appropriate.
- Residential dwelling units are a component of the plan designations as proposed.
- ED-P11 Promote pedestrian oriented commercial development which incorporates a focus of activity, and is architecturally distinctive. Strip commercial development is strongly discouraged.
- The proposed amendment would increase the amount of land available for retail uses within the surrounding residential neighborhood. The provisions of the Red Barn Village Special District Policies and implementing regulations require pedestrian oriented development and architecturally distinctive buildings which would become applicable to the subject properties under the proposed amendment.

- NE-P17** Create special development incentives for development proposals which daylight and restore a previously culverted (piped) stream.

A previously culverted (piped) stream (Horse Creek) flows along the eastern portion of the site. The applicant has not proposed an incentive program nor has the applicant identified a desire to provide such. The City Council finds the need to improve SR 527 and the location of the NE 203 ST Connector and the adjacency of Horse Creek to these needed improvements make a mandatory program inappropriate for this property.

- UD-P5** Provide for pedestrian-oriented mixed use neighborhood villages where appropriate within the Planning Area to promote a sense of community to residential areas and reduce the number and length of limited item convenience shopping trips by automobile. See page G-22 in Appendix H. See also Economic Development Element.

The applicant has indicated a desire to develop the properties as a mixed-use development of residential, office and retail activities. The land use designations sought by the applicant and the existing Red Barn Special District Policies and implementing regulations both permit and encourage pedestrian-oriented mixed use village.

- UD-P29** Within the context of higher density, mixed residential and commercial zones, residential and mixed-use buildings should be sited to orient to the street and respect adjacent residential properties. Careful siting should focus views towards private courtyards or gardens, and limit parking lots. Structured parking is encouraged to reduce the impact of cars and parking lots. Mixed-use development should provide clear pedestrian circulation routes connecting residences and parking to adjoining uses and services. See pages G-83 through G-84 in Appendix H.

See above finding regarding UD-P5. The land use designations sought by the applicant and the existing Red Barn Special District Policies and implementing regulations both permit and encourage pedestrian-oriented mixed use village.

Country Village / Lake Pleasant / SR 527 Corridor Subarea Policies

Urban Design Policy

1. The neighborhood village at SR 527 and 240th should incorporate design features to provide a focus of neighborhood activity for the Subarea. A historic architectural theme may be appropriate for the village. Reference Land Use and Historic Preservation Policies.

Adding the David Milot properties to the proposed Safeway development enlarges the neighborhood activity center for the Subarea and adjacent subareas. Further, The Red Barn Village Special District policies and implementing regulations which contain specific architectural standards will be applied to the Milot property in a similar manner as occurred for the proposed Safeway development.

Housing Element Policy

1. Provide for a range of housing alternatives within the Subarea for persons of varying incomes and lifestyles. Reference is made to the Land Use policies above, which provide for densities of 9,600 sq. ft. per lot to 2,800 sq. ft. per dwelling unit within portions of the Subarea outside the Canyon Park community activity center, and higher densities within that center.

The applicant seeks an increase in residential density in furtherance of this policy.

23. Establishment of plan designations for the David Milot property-owner-initiated Comprehensive Plan amendment.

The City Council finds that the applicant's proposal to implement a new plan designation for the properties is appropriate but also finds the request for an R 2,800, OP, CB, designation is not consistent with the established vision for the neighborhood village and the designations of the Red Barn Village Special District. A Plan designation of R 4,000, OP, CB however, is consistent with the types, densities and intensities of uses envisioned for this neighborhood and match the goals of the Red Barn Village Special District.

The Milot properties are located immediately south of the Safeway retail/commercial center which has been thoroughly reviewed through two Conditional Use Permit processes with extensive neighborhood input and, as public testimony at the June 11, 2008 public hearing revealed, the neighborhood has 'bought into' the Safeway development and is supportive of similar use types and densities as stipulated within the Red Barn during the Safeway CUP hearings are subject to the same requirements as established within the Red Barn Special District.

24. Need for the extension of the Red Barn Special District

The City Council finds the extension of the Red Barn Village Special District to include the Milot properties would provide needed retail services for residents of this and adjacent subareas as well as the community at large. Further, the additional housing that may be placed within this area will further integrate mixed use developments where residents live, work and shop within their neighborhood.

The City Council also finds the stipulated protections of the Red Barn Special District are critical to addressing the concerns of the neighboring residents and for mitigating impacts associated with higher land uses. Features such as the landscape buffer, building setback, massing and provisions concerning pedestrian-scale lighting and other features are key elements to integrating the Red Barn Special District adjacent to a detached residential neighborhood.

25. Findings regarding the buffer / setback modification request

As discussed at length within these findings, the applicant has proposed a modification to the buffer/setback provisions of the Red Barn Village Special District policies which would allow detached residential structures to be located within the buffer and the setback. As the City Council found in 2005 "...there is a very real need to provide for significant screening to separate the detached residential areas to the west [and south] from the potentially incompatible Community Business uses." The separation of 3 years since this finding was made by the City Council has not changed the basic premise: there is a need to protect detached single family residential areas from the possible intrusions of retail activity with a buffer and setback.

This item was particularly important to detached single family residential neighborhoods located west and south of the Milot properties who have legitimate concerns with the potential visual and auditory intrusion that the front entrance of a retail use would have upon their residential lands.

The City Council finds that not only does the buffer/setback need to be preserved but additional protections to provide a buffer similar to that designed for the Safeway development should be extended to the Milot properties. To that effect, the City Council finds a modification to both the Policy 10 and implementing Code language which includes construction of a noise and visual attenuation wall in conjunction with the 30 foot wide Type I landscape buffer. These concepts are derived from the Safeway CUP/development conditions of approval.

The City Council also finds certain technical amendments need to be made to the implementing regulations (BMC 12.46.060) to clarify intent and to clarify certain buffer, building setback and orientation issues identified during the public hearings that are a result of the applicant's request to intensify the use of the subject properties.

26. Finding related to the 243 Street SE Connector

The 243 Street SE Connector as authorized by the City Council on May 20, 2008 is an important transportation corridor between the Westhill and Country Village neighborhoods. The record indicates this connector is intended to be constructed in phases as development occurs. As such, it is entirely possible the street will be constructed in phases leaving a dead-end at the western property line of the Milot properties. Concern was raised by residents that such a dead end could potentially leave a 'gap' in the landscape / auditory buffer. The City Council finds it is appropriate to delay removal of the buffer until the 243 Street SE Connector is continued west of the Milot properties (or to 88 Ave NE / 7th Ave SE).

Findings applicable to the NE 203rd Street (243rd Street SE) Connector potential Plan amendments concerning the Country Village/ Lake Pleasant / SR 527 Corridor and Westhill subarea plans

27. 243 ST SE (NE 203 ST) Connector

The Plan amendment would affect the Country Village / Lake Pleasant / SR 527 Corridor and Westhill Subarea Plans by designating the location of a potential future roadway that would connect 88 Ave NE / 7 Ave SE with the Bothell-Everett Highway (SR 527) to provide for transportation circulation needs and to reduce cut-through traffic through adjacent residential lands. The need for this route was identified during the 2004 Update of *the Imagine Bothell... Comprehensive Plan*. Westhill Subarea Plan Transportation Policy 15 states:

"Investigate and consider extension of the NE 203rd Street alignment from 88th Avenue NE to SR 527. Such alignment shall not incorporate NE 203rd Place."

The City Council considered alternative routes for the proposed extension of 243 Street SE (NE 203rd Street) in public meetings in September, 2007, and January, March and May of 2008. After deliberating upon the alternative routes, the City Council selected Alternative 1 as the preferred alignment and initiated a Comprehensive Plan amendment to include the preferred alignment within the Comprehensive Plan Transportation Element and the Country Village / Lake Pleasant / SR 527 and Westhill subarea plans.

28. Location

The proposed 243 Street SE (NE 203rd) Connector alignment is generally located in the NE 205th Street / 244th Street SE block of the Bothell-Everett Highway. The connector would be within the Country Village / Lake Pleasant / SR 527 Corridor and Westhill subareas.

The Safeway and Milot sites would coordinate access to SR 527 via Alternative 1 of the 243 ST SE Connector as adopted by the City Council on May 20, 2008. (See Exhibit 3).

NOTE: This Exhibit was included in the 10/19 packet.

- 29. Relationship to the Natural Environment and Critical Areas.** A formal scientific assessment of the critical areas for the sites proposed for the preferred alternative has not been conducted at this time. It should be noted that wetlands and streams are known to exist in the vicinity of the proposed alternative route and, according to the Bothell Connector Study prepared by Transportation Solutions Incorporated (TSI) Exhibit 3, it is identified that there will be impacts to a Category 3 wetland. Any wetlands, streams and other critical areas will be required to be delineated, typed and potential impacts explained and mitigated pursuant to the Bothell Critical Areas Regulations.

30. Previous Amendments to Land Use Designations of Nearby Properties.

In 2004, as part of the 2004 Update to the *Imagine Bothell...* Comprehensive Plan Westhill Subarea Plan Transportation Policy 15 was enacted. Policy 15 states:

"Investigate and consider extension of the NE 203rd Street alignment from 88th Avenue NE to SR 527. Such alignment shall not incorporate NE 203rd Place."

The City Council conducted a public process in March and May of 2008 where the public provided input and the Council deliberated upon the alternatives. On May 20, 2008, the City Council selected Alternative 1 as the preferred alignment.

- 31. Capital Facilities.** The 243 ST SE (NE 203rd) Street Connection is intended to be constructed by the private sector as part of the development of properties which would benefit from the connector. However, the street would become a public right-of-way (street infrastructure) and, as such, could become a component of the Capital Facilities Plan.
- 32. Relationship to Neighboring Properties.** The Council-preferred route of the 243 Street SE (NE 203rd) Connector includes lands designated detached residential (west) and lands designated attached residential, professional office and community business (east).

33. Capacity Analysis Implications.

As a street connection Plan amendment, this action has no impact upon the City's employment or population capacity.

34. Potential traffic impacts of the NE 203rd Street Connector Comprehensive Plan amendment

The purpose of the 243 Street SE (NE 203rd) Connector is to provide for transportation circulation needs and to reduce cut-through traffic through adjacent residential lands. As such, impacts associated with this plan action are considered a beneficial impact to the transportation system.

**35. Reasonable Alternatives:**

Please see Exhibit 4 for details regarding the alternative routes considered by the City Council. Four alternative locations were evaluated.

36. Snohomish County-Wide Planning Policies

As a Growth Management Act (GMA) community, Bothell is obligated to follow County-wide Planning Policies for all updates and amendments to the *Imagine Bothell...Comprehensive Plan*. The following Snohomish County-wide Planning Policy is particularly relevant:

TR-4

Provide transportation facilities and services that support the land use elements of the county and cities' comprehensive plans, particularly roadway capacities together with public transportation services appropriate to the designated land use types and intensities.

- b. Allow for a network of interconnected roadways based on a consistent classification system and sets of design standards.

The City Council finds the proposed 243 Street SE (NE 203rd) Connector would provide transportation facilities needed to accommodate planned land use densities and intensities by creating an additional east-west roadway where few currently exist. In furtherance of City of Bothell Transportation Element Policies, the connector would also reduce the potential for cut-through traffic within residential neighborhoods by creating a new route for east-west transportation corridor.

37. Consistency with applicable *Imagine Bothell...Comprehensive Plan* Policies and Actions

TR-P14 Due to the difficult topography within Bothell's neighborhoods and the reality that a grid system within Bothell's residential neighborhoods encourages cut-through traffic, it is the policy of the City of Bothell that the residential street pattern shall not emphasize a grid or connected network of streets that would promote neighborhood cut-through traffic but should accommodate non-motorized connections and emergency life safety access.

The proposed 243 Street SE (NE 203rd) Connector is intended to reduce neighborhood cut-through traffic by providing an alternative east-west transportation corridor that does not include residential streets. The proposed connector would be constructed to collector standards which would also include pedestrian and bicycle facilities (sidewalks and bike lanes)

Westhill Subarea Policies**Transportation Element Policy 15**

"Investigate and consider extension of the NE 203rd Street alignment from 88th Avenue NE to SR 527. Such alignment shall not incorporate NE 203rd Place."

This action is a direct result of the above Westhill Subarea Plan transportation policy.

38. Construction of the 243 Street SE (NE 203rd) Connector

The 243 Street SE (NE 203rd) Connector is an important transportation corridor between the Westhill and Country Village neighborhoods but may be constructed in phases as development occurs. Should the connector leave a dead-end at the western property line of those properties designated as R 4,000, OP, CB it is possible that a 'gap' could result in the landscape / auditory buffer required under applicable Country Village / Lake Pleasant/ SR 527 Corridor Subarea Plan policies and regulations. The City Council finds it is appropriate to retain such a buffer until the 243 Street SE (NE 203rd) Connector is continued west through the detached residential properties (R 9,600) located within the Westhill Subarea.



Findings related to the Brier Municipal Growth Area are not included in this excerpt.

Findings related to the Brier Municipal Growth Area are not included in this excerpt.

41. Cumulative effects of the 2008 potential Plan amendments and implementing Code amendments

The Growth Management Act requires that "all proposals shall be considered by the governing body concurrently so the cumulative effect of the various proposals can be ascertained."

David Milot Plan and Code amendment request

The request, if approved, would provide additional opportunities for retail and low-density multi-family development. There would be a small change in the land capacity (population and employment) provided for in the *Imagine Bothell...* Comprehensive Plan. Based on the recommendation of the Planning Commission (which provided for lower residential yield than requested by Milot), the action would result in an increase in population capacity of 73 persons and a decrease in employment capacity of 137 employees.

NE 243 Street SE (NE 203rd) Connector designation

The NE 203rd Street Connector is intended to provide a transportation link between the Westhill and Country Village / Lake Pleasant / SR 527 Corridor Subareas and their respective neighborhoods. The Council finds this link would provide Westhill Subarea residents with more convenient access to goods and services located within the Country Village / Lake Pleasant / SR 527 Corridor Subarea and, by providing an



additional east-west route, would reduce neighborhood cut-through traffic elsewhere in the Westhill Subarea.

Bothell-Brier MUGA Boundary location

The City Council finds that incorporation of the Bothell-Brier MUGA boundary in the Comprehensive Plan memorializes the MUGA boundary adopted by resolution in 2007. The Bothell-Brier MUGA boundary increases predictability for residents in the unincorporated area between the two cities as to whom their municipal services provider will be in the long term, and facilitates analysis by the city of likely expenditures and revenues were the area to annex to Bothell.

Cumulative effects

Cumulatively, the 2008 potential Plan amendments and implementing Code amendments would result in a slight increase in population capacity; a slight decrease in employment capacity; moderately improved traffic circulation in one subarea; and greater predictability concerning annexation within an unincorporated area west of the city. In accordance with the Growth Management Act, the Council has considered the cumulative effects of the 2008 potential Plan amendments and implementing Code amendments.

42. Exhibits submitted during Planning Commission and City Council Public Hearings

Exhibits were submitted during the public hearings on each of the three potential Plan amendments, with the David Milot Plan and Code amendment request and the 243 Street SE (NE 203rd) Connector designation accounting for the majority of exhibits submitted. All exhibits may be viewed at the offices of the City of Bothell Department of Community Development. A complete listing of all exhibits follows:

David Milot Plan and Code amendment request exhibits:

1. David Milot Comprehensive Plan amendment request Dated May 9, 2007.
Submitted by Cliff Strong of W& H Pacific
2. 243 Street SE (NE 203rd) Connector Agenda Bill dated May 20, 2008. Submitted by Staff
3. 243 Street SE (NE 203rd) Connector map dated May 20, 2008. Submitted by Staff.
4. Country Village / Lake Pleasant / SR-527 Corridor Subarea Plan Land Use Policy 10. Submitted by staff.
5. Letter revising the David Milot Comprehensive Plan amendment request dated May 16, 2008. Submitted by Deloa Parrish.
6. Milot Site Plan - Alternative A dated May 2008. Submitted by Deloa Parrish.
7. Milot Site Plan - Alternative B dated May 2008. Submitted by Deloa Parrish.
8. Cross Section illustrating Transition concept. Submitted by Deloa Parrish.
9. Milot Neighborhood Map. Submitted by Deloa Parrish.
10. Letter from Bill Thompson, dated June 3, 2008. Submitted by Deloa Parrish
11. Letter from Sherm and Mary Williamson dated June 9, 2008. Submitted by Sherm Williamson
12. E-mail from Deloa Parrish to Carol Thomas, dated June 10, 2008. Submitted by Deloa Parrish
13. Letter from David and Melissa Wickwire dated June 10, 2008. Submitted by David Wickwire
- 13a. Exhibit A to David Wickwire letter - Safeway Sound Attenuation Wall concept. Submitted by David Wickwire June 11, 2008.

14. Letter from Lila Snow dated June 9, 2008. Submitted for Ms. Snow by Deloa Parrish June 11, 2008.
15. Greenhill Neighbors meeting sign-in sheet. Submitted by Deloa Parrish June 11, 2008.
16. Letter from Greg Ellis dated June 9, 2008. Submitted for Greg Ellis by Deloa Parrish June 11, 2008.
17. Aerial photo of neighborhood. Submitted by Deloa Parrish June 11, 2008.
18. Petition supporting the Greenhill Development (David Milot). Submitted by Deloa Parrish June 11, 2008.
19. Photos depicting development types proposed for the David Milot development. Submitted by Deloa Parrish June 11, 2008.
20. Photos depicting development types proposed for the David Milot development. Submitted by Deloa Parrish June 11, 2008.
21. Petition submitted by neighbors opposed to allowing a walkway to connect NE 203 PL with the Milot development site. Submitted by Mike and Linda Duenow June 11, 2008.
22. E-mail from Milan Vincic dated June 11, 2008. Submitted by Milan Vincic.
23. Conditions of Approval Safeway Retail Center-Red Barn Village CUP2006-00008. Submitted by Staff July 2, 2008.
24. Exhibit 70.16 illustrations of Sound Attenuation Wall - Safeway Retail Center-Red Barn Village CUP2006-00008. Submitted by Staff July 2, 2008.
25. Comments upon Draft Planning Commission Findings. Submitted by David Wickwire July 2, 2008.
26. Applicant proposed Policy and Code language. Submitted by Chad Wieser (Consultant for Applicant) July 2, 2008.
27. E-mail dated October 7, 2008 from Tina Ellenbogen. Submitted by Tina Ellenbogen.
28. Original application submitted by applicant dated March 8, 2007. Submitted by Deloa Parrish.
29. Letter from David Milot dated October 14, 2008. Submitted by David Milot.
30. Letter from David Milot with attachments related to Rails-trails and safe communities dated October 16, 2008. Submitted by David Milot.
31. E-mail from Carol Thomas dated October 19, 2008. Submitted by Carol Thomas
32. Applicant proposed revisions to section 10.K. Submitted by Steve Nolan (applicant representative).
33. E-mail from Charles A. Deleu dated December 1, 2008. Submitted by Mr. Deleu.
34. Proposed Policy revisions from David Wickwire dated December 16, 2008. Submitted by David Wickwire.

243 Street SE (NE 203rd) Connector designation exhibits

1. Excerpt of City Council minutes from the May 20, 2008 public meeting
2. Final Traffic impact analysis prepared by Perteet Engineering, dated March 11, 2008. Submitted by Staff.
3. Final 243 Street SE (NE 203rd) Connector Feasibility Study prepared by Transportation Solutions Inc. (TSI) provided on March 11, 2008. Submitted by Staff.
4. 243 Street SE (NE 203rd) Connector map of preferred Alternative 1, as adopted by City Council on May 20, 2008. Submitted by Staff.

Bothell-Brier MUGA Boundary exhibits

1. Joint Resolution 1209 (Bothell) and 500 (Brier). Submitted by Staff.

2. Map depicting Fire District 10 Boundary with Bothell-Brier MUGA identified.
Submitted by Staff
3. Proposed revisions to Land Use Figure LU-2. Submitted by Staff

Conclusions

1. **Consistency with Growth Management Act**
The 2008 *Imagine Bothell...* Comprehensive Plan amendments have been reviewed against the requirements of the Growth Management Act and have been found to be consistent with the Act.
2. **Consistency with county-wide planning policies**
The 2008 Plan amendments have been reviewed against the King County and Snohomish County county-wide planning policies and have been found to be consistent.
3. **Internal consistency within *Imagine Bothell...* Comprehensive Plan**
The 2008 Plan amendments have been reviewed against each other and against other goals, policies and actions in the Comprehensive Plan and have been found to be internally consistent.
4. **Promotion of the public interest**
The 2008 Plan amendments reflect the changing needs and desires of the Bothell community, while complying with the Growth Management Act and King County and Snohomish County county-wide planning policies. The 2008 Plan and Code amendments therefore promote the public interest.

Actions

Based on these Findings and Conclusions, the Bothell City Council hereby approves the 2008 *Imagine Bothell...* Comprehensive Plan Amendments and implementing Code amendments, comprising revisions to Planning-Area-Wide Figures located throughout the Plan; Figure TR-2 of the Transportation Element; the Country Village / Lake Pleasant / SR 527 Corridor Subarea Plan; the Westhill Subarea Plan; the Bothell Municipal Code Chapter 12.46, and the official zoning map.

Note:

New language shown in underline; repealed language shown in ~~strikethrough~~.

Country Village / Lake Pleasant / SR 527 Corridor Subarea Plan

**No changes to Summary, Subarea Profile and Accomplishments
Sections**

Country Village / Lake Pleasant / SR 527 Corridor Subarea Plan Elements


Land Use

Policies

Note: Many of the Land Use policies are depicted on Figure 4 Land Use Designations.

No changes to Policies 1 through 9

10. The land around the intersection of SR 527 and 240th Street SE is appropriate for coordinated development as a mixed-use neighborhood village, named the Red Barn Village special district for the purposes of these policies and associated implementing regulations, to contain the following uses, densities and minimum design features (MU: R 4,000, OP, CB in central portion of map) (see Figure 4):
 - a. Residential dwellings at one dwelling unit per 4,000 square feet as described in Land Use Element Policy LU-P4;
 - b. A minimum of 1200 square feet of leasable space for retail or service uses at each quadrant of the intersection, which may or may not be constructed within buildings which also contain dwelling units;
 - c. Placement of buildings which contain retail/services space in such a manner as to promote pedestrian travel from one building to another;
 - d. Use of land between buildings which contain retail/services space and streets for pedestrian-oriented activities such as outdoor cafes or public plazas is strongly encouraged;
 - e. Location of parking behind or alongside buildings, but not between buildings and the street, is strongly encouraged;
 - f. Coordination of design of residential and commercial buildings within the village;

- g. Use of pedestrian-scale street, parking lot, and sidewalk lighting;
- h. Landscaped street medians and planter areas separating the sidewalk from the street;
- i. Special paving treatment at street crossings;
- j. Installation of a minimum 100-foot building setback with a minimum 30-foot wide landscape buffer adjacent to detached residential areas utilizing ~~fences~~, walls, berms, dense, fast growing landscaping, and ~~or~~ other noise-absorbing and sight-obscuring techniques to isolate adjacent detached residential areas from auditory and visual impacts (exact composition of the buffer to be determined in conjunction with development plan review). The area between the 30 foot landscape buffer and the 100-foot building setback may be used for parking lots, access drives, storm water facilities, and other improvements not involving above ground structures. Light fixtures installed within the area between the 30-foot landscape buffer and the 100-foot building setback, including fixtures attached to any building, shall be of a pedestrian scale and shall be shielded to prevent glare into adjacent detached residential areas;
- k. A transition of building mass and density from the greatest mass and density near the intersection to the least mass and density adjacent to the abutting single family development. Abutting the setback, buildings containing office professional or community business uses should be limited to one story in height. However, a second story may be added to buildings abutting the setback provided the second story is devoted exclusively to residential uses. Lands toward the southern portion of the Red Barn Village special district shall orient buildings and structures containing retail uses toward SR 527 or the 243 Street Connector and away from adjacent detached residential areas; and
- l. Driveways shall be consolidated to minimize the number of access points, and internal vehicle access shall be provided from property to property in such a manner as to allow a smooth flow of traffic across consecutive adjoining properties; and
- m. A street connection known as the 243 Street SE (NE 203 Street) Connector identified within Country Village / Lake Pleasant / SR 527 Corridor Subarea Plan Transportation Policy 9 would traverse properties located within the southerly portion of the Red Barn Village special district. It is intended that the 243 Street SE Connector be constructed by the private sector in conjunction with development of the properties through which the road would extend. 

No changes to Land Use policies 11 and 12 and Actions 1 and 2

No changes to the Natural Environment, Housing, Economic Development, Parks and Recreation, Community Services, Historic Preservation, Annexation, Urban Design, Utilities and Conservation Subarea Elements.

Transportation

Policies

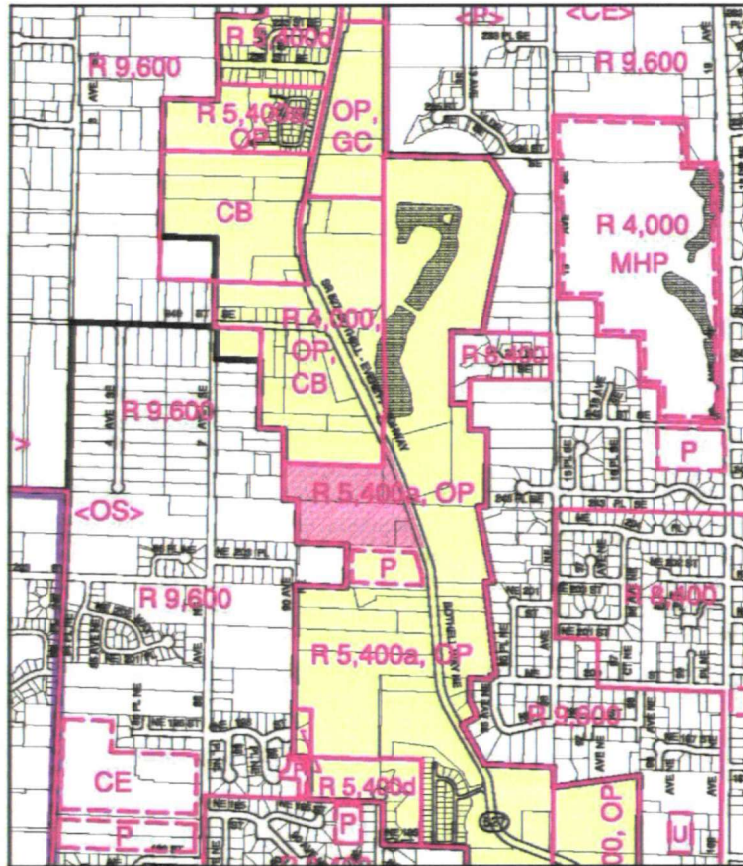
Note: Certain Transportation Policies are graphically depicted on the Arterials, Bicycle Route and Pedestrian Facilities maps; Street Cross-sections; and other figures included in the Planning Area-wide Transportation Element

No Changes to Policies 1 through 8

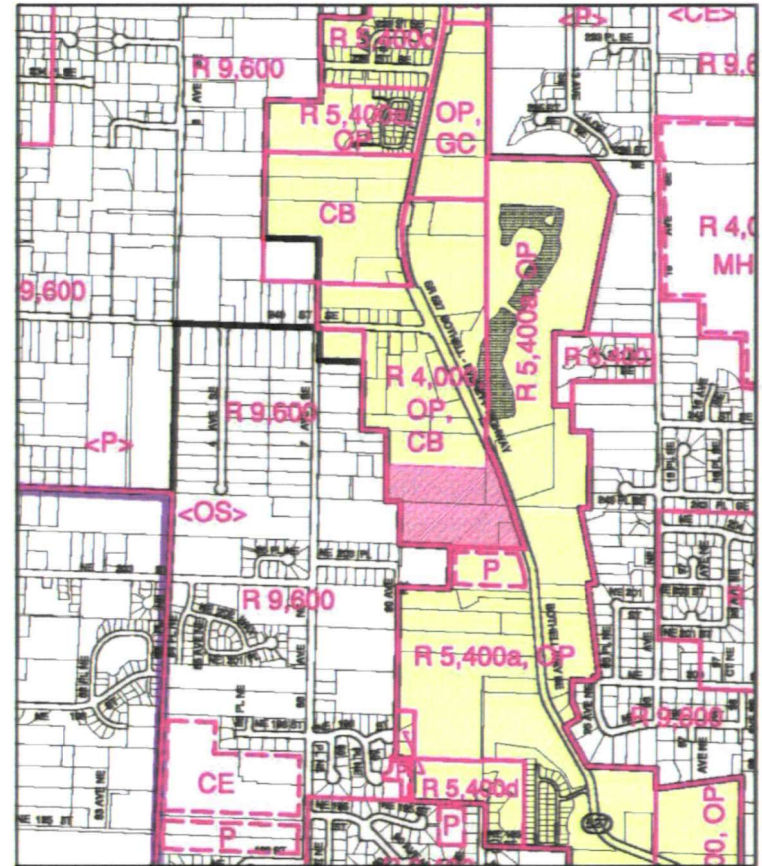
9. In order to provide for more east-west collector connections between the Westhill Subarea and SR 527, and thus to distribute subarea traffic more evenly and minimize cut-through traffic impacts on any particular neighborhood, a future east-west collector street known as the 243 Street SE Connector is designated near the King / Snohomish County line following the alignment depicted in Transportation Element Figure TR-2. It is intended that this street be constructed by the private sector in conjunction with development of the properties through which the road would extend.

Under such an approach, it is likely that the street would be constructed incrementally as individual properties develop. The connector street alignment transects two different plan designations and zones, one providing for multi-family residential and commercial uses, the other for single family residential uses. Currently, development on the more intensively planned and zoned land is required to install a 30-foot buffer adjacent to the land planned and zoned single family. Should the more intensively planned and zoned land develop first, the necessary right of way for the connector street shall be dedicated up to the plan / zone boundary but the street itself shall only be constructed to a point 30 feet from the boundary, from which point the required buffer shall be installed in order to protect single family residents for the time until the adjacent single family zoned property develops and the street is connected. Completion of the remaining road segment at such time as the adjacent property develops shall be bonded for or otherwise guaranteed via surety acceptable to the City.

No changes to Actions 1 through 5 and the Capital Facilities Policies and Actions



Existing Land Use Designations



New Land Use Designations

Subject Properties

2008 Plan Amendments
Milot Property-Owner-Initiated Plan Amendment
Country Village/Lake Pleasant/527 Corridor Subarea
Figure 4

The City of Bethell delivers this data (map) in an AS-IS condition.
GIS data (maps) are produced by the City of Bethell for internal purposes.
No representation or guarantee is made concerning the accuracy, currency, or completeness of the information provided.

Country Village / Lake Pleasant / SR 527 Corridor Subarea Plan - Amended
Figure 4 (Reflects the David Milot Plan amendment request)

Westhill Subarea Plan

No changes to the Summary, Subarea Profile, or Accomplishments Sections

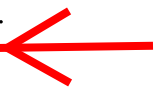
Westhill Subarea Plan Elements

No changes to the Land Use, Natural Environment, Housing, Economic Development, Parks and Recreation, Community Resources, Historic Preservation, Urban Design, Annexation, Utilities and Conservation Element Policies and Actions of the Westhill Subarea

Transportation

Policies

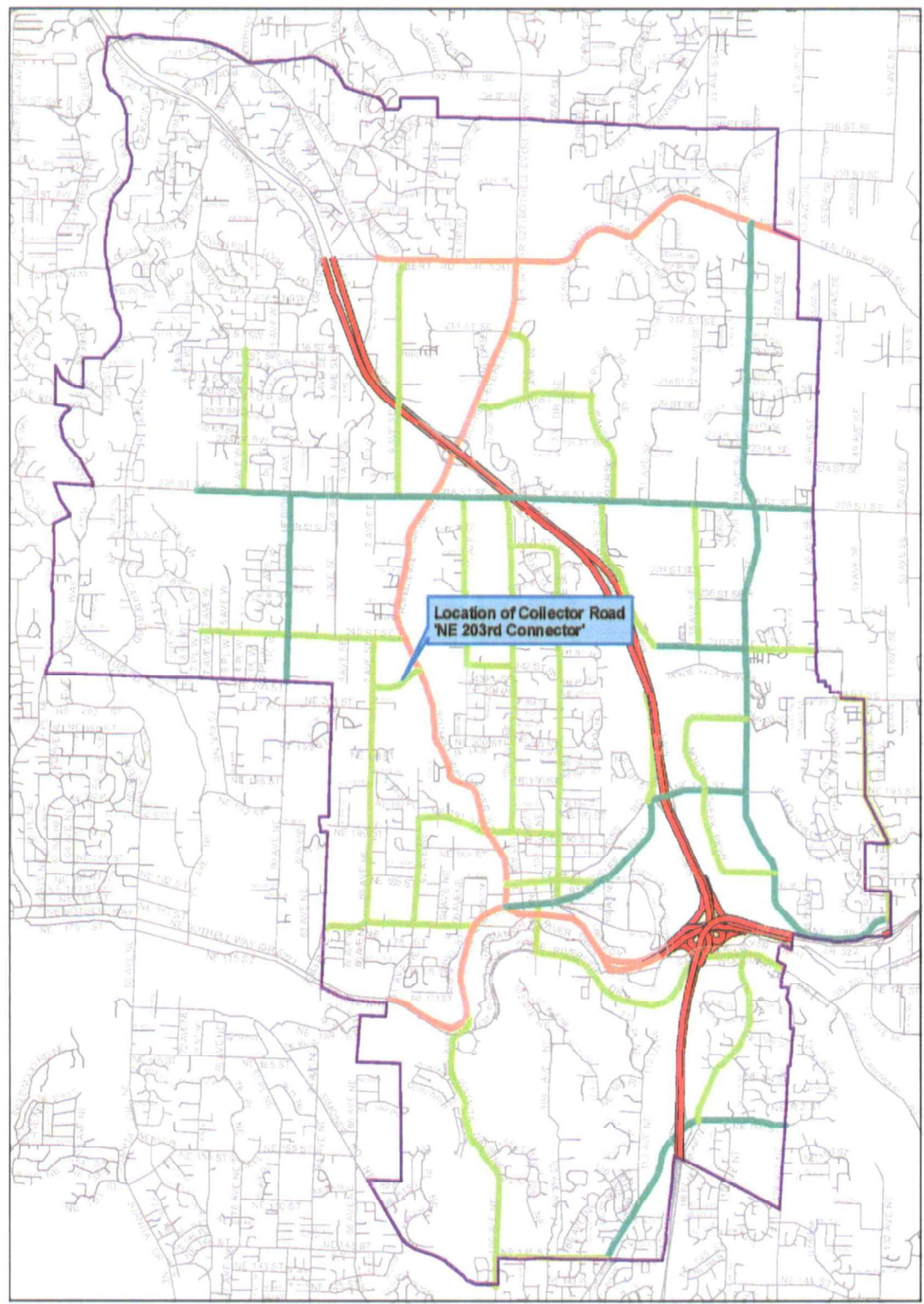
No Changes to Policies 1 through 14

15. In order to provide for more east-west collector connections between the Westhill Subarea and SR 527, and thus to distribute subarea traffic more evenly and minimize cut-through traffic impacts on any particular neighborhood, a future east-west collector street known as the 243 Street SE Connector is designated near the King / Snohomish County line following the alignment depicted in Transportation Element Figure TR-2. It is intended that this street be constructed by the private sector in conjunction with development of the properties through which the road would extend. Investigate and consider extension of the NE 203rd Street alignment from 88th Avenue NE to SR 527. Such alignment shall not incorporate NE 203rd Place. 

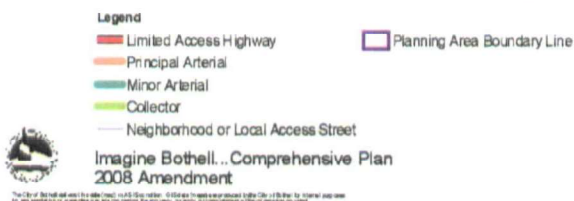
No changes to Policy 16

Actions

No changes to the Westhill Subarea Transportation Element Actions



Note: Simonds Road NE and 124th Avenue NE are outside of the Bothell Planning Area.



**Figure TR-2
Transportation
Roadway Functional Classifications**

Note:

New language shown in underline; repealed language shown in ~~strikethrough~~.

Chapter 12.46 COUNTRY VILLAGE/LAKE PLEASANT/SR 527 CORRIDOR SUBAREA REGULATIONS

Sections:

- 12.46.010 Purpose.
- 12.46.020 R-AC, OP, CB zoning in north end of subarea.
- 12.46.030 R 5,400a, OP zoning south of Canyon Heights.
- 12.46.040 CB zoning west of SR 527 and north of 240th street SE.
- 12.46.050 OP, GC zoning east of SR 527.
- 12.46.060 Red Barn Village special district - R 4,000, OP, CB zoning at SR 527 and 240th Street SE.
- 12.46.070 R 5,400a, OP zoning in southern portion of subarea.

No Changes to BMC 12.46.010 through 12.46.050

12.46.060 Red Barn Village special district - R 4,000, OP, CB zoning at SR 527 and 240th Street SE.

Development of all properties within the Red Barn Village special district ~~this mixed-use village~~ shall be by conditional use permit and shall adhere to the following:

- A. A minimum of 1,200 square feet of leasable space for retail or service uses shall be provided at each quadrant of the intersection.
- B. Buildings which contain retail or services space shall be placed in such a manner as to promote pedestrian travel from one building to another.
- C. Land between buildings which contain retail or services space and streets should be utilized for pedestrian-oriented activities such as outdoor cafes or public plazas.
- D. Parking shall be located behind and/or alongside buildings, but not in the area between any building and the street.
- E. Design of all buildings within the village shall be coordinated and may adhere to an historic or other theme in keeping with its setting. The Red Barn Village Site and Building Design Guidelines shall be considered. These guidelines shall be available at the department of community development.
- F. Pedestrian-scale street, parking lot and sidewalk lighting shall be utilized.
- G. Development shall include landscaped street medians subject to Department of Transportation approval on SR 527 and planter areas separating the sidewalk from the street.
- H. Pedestrian street crossings shall utilize special paving treatments.

- I. Adjacent to single-family zoning, a landscape buffer of a minimum width of 30-feet width shall be installed pursuant to the following: The exact composition of the buffer shall be determined in conjunction with conditional use permit review.
1. The 30-foot landscape buffer shall utilize fences, walls, berms, a wall constructed of solid non-wood materials suitable for maximum sound and light attenuation, and Type I landscaping; and other noise-absorbing and sight-obscuring materials;
 2. Plants installed within the buffer shall be indigenous and drought-tolerant. Existing vegetation may be used to satisfy all or part of the required Type I landscaping, provided said existing vegetation meets or exceeds the Type I landscape standard; including one tree for every 250 square feet of buffer area
 3. The sound and light attenuation wall shall be not less than 6 feet in height and, through the conditional use permit review, may exceed 6 feet in height should conditions warrant a taller height to provide for adequate auditory and visual screening of adjacent single family-zoned lands;
 4. All portions of the wall visible to pedestrians shall receive aesthetic treatments consistent with BMC 12.14.180(F). The exact composition of the buffer and wall shall be determined in conjunction with conditional use permit review;
 5. Pedestrian and non-motorized trails, not to exceed 6 feet in width, shall be allowed only in that portion of the 30-foot buffer located between the sound and light attenuation wall and developed property within the Red Barn Village special district. Vehicular access drives shall not be located within the 30-foot buffer;
 6. The 243 Street SE Connector, as provided below, and underground utilities or utility corridors which cross the buffer in a perpendicular or near perpendicular manner may be permitted within the 30-foot buffer. The buffer may be modified as follows:
 - a. The Type I landscape standard may be modified to exempt the installation of trees within city-approved utility easements and utility corridors;
 - b. The placement, configuration and construction of the sound and light attenuation wall may be modified to permit maintenance and installation of utilities located within city-approved or established utility easements and utility corridors;
 7. The 30 foot landscape buffer and sound and light attenuation wall shall be constructed substantially as illustrated in Figure 12.46-1; and
 8. Exact composition and design of the buffer and wall shall be determined during the conditional use permit review.
- J. All buildings shall be set back a minimum of 100 feet from adjacent single family-zoned lands. The area between the 30-foot landscape buffer and the 100-foot building setback identified above may be used for parking lots, access drives, storm water facilities, and other improvements not involving structures. Light fixtures installed within the area between the 30-foot landscape buffer and the 100-foot building setback, including fixtures mounted to buildings adjacent to the setback, shall be of a pedestrian scale and shall be shielded to prevent glare toward adjacent single family lands.
- KJ. Development shall incorporate a transition of building mass and density from the greatest mass and density near the intersection of SR 527 and 240th Street SE to the least mass and density adjacent to the abutting single-family development. Buildings abutting the 100-foot setback shall be limited to one story and no portion of such one-story building shall exceed 25 feet in height. A second story may be added to buildings

abutting the setback provided the second story is devoted exclusively to residential uses and no portion of such two-story building shall exceed 30 feet in height.

Lands located in the southerly portion of the Red Barn Village special district area, approximately 900 feet or more south of the SR 527/240 Street SE intersection, shall orient all buildings containing retail uses, as described within BMC 12.06.150, toward the Bothell-Everett Highway (SR 527) or the 243 Street SE Connector and away from adjacent single family-zoned lands;

LK. Driveways shall be consolidated to minimize the number of access points, and internal vehicle access shall be provided from property to property in such a manner as to allow a smooth flow of traffic across consecutive adjoining properties.

M. The 243 Street SE Connector as identified within Country Village / Lake Pleasant / SR 527 Corridor Subarea Plan Transportation Policy 9 the alignment of which would traverse properties located within the southerly portion of the Red Barn Village special district shall be constructed in conjunction with development of the properties through which the road would extend. Should those lands within the Red Barn Village special district be developed prior to adjacent single family residential zoned lands, the director of public works is authorized to defer construction of that portion of the connector street located within 30 feet of the zoning boundary line in favor of construction of the 30-foot landscape buffer as provided above in order to protect single family residents for the time until the single family properties develop and the street is connected. This authorization shall be subject to the following:

1. Public right-of-way sufficient to accommodate the 243 Street SE Connector shall be dedicated, including those lands within the 30-foot buffer;
2. The public works director shall make specific findings that such delay can be accomplished in a manner that does not compromise the ability of the connector street to be extended as intended;
3. Completion of the remaining road segment at such time as the adjacent property develops shall be bonded for or otherwise guaranteed via surety acceptable to the City; and
4. This authorization shall not be construed as preventing eventual construction of the entire 243 Street SE Connector.

(Ord. 1948 § 2, 2005; Ord. 1946 § 2, 2005; Ord. 1815 § 1, 2000; Ord. 1629 § 1, 1996).

No Changes to BMC 12.46.070

The following page shows new Figure 12.46-1

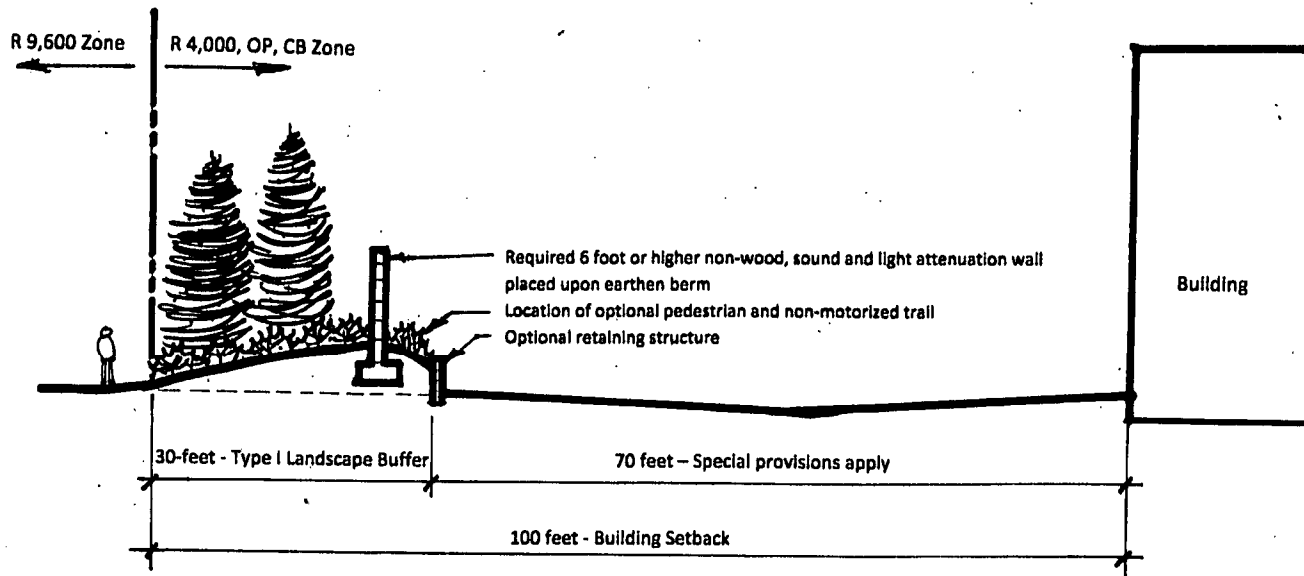


Figure 12.46-1 - Illustrating the 30-foot landscape buffer and 100-foot building setback pursuant to 12.46.060.1

A depiction of the revised Official Zoning Map is on the following Page.

Proposed Bylaws Amendments

Proposed amendments, as distributed at the October 19 meeting, are shown below in highlighted underline/strikethrough format.

**CITY OF BOTHELL
PLANNING COMMISSION
BYLAWS AND RULES OF PROCEDURE**

ARTICLE I - NAME

The official name of the organization shall be "The City of Bothell Planning Commission" hereafter referred to as the Commission.

ARTICLE II - DUTIES AND RESPONSIBILITIES

The Members of the Commission accept the responsibility of the office and shall perform such duties as defined under applicable State of Washington Statutes and City of Bothell Ordinances. The Commission serves in an advisory capacity to the City Council with primary responsibility for ensuring the orderly use of land within the City in the best interests of the City.

ARTICLE III - OFFICIAL SEAT

The official seat of the Commission shall be the City of Bothell, Washington, and meetings shall be held there except on such occasions as the Commission may, by a majority vote, otherwise direct.

ARTICLE ~~IV~~ - OFFICERS

Section 1. Officers. The elective officers of the Commission shall consist of a Chair, Chair Pro-tem and Executive Secretary.

Section 2. Election of Officers. Officers shall be nominated and elected at the first regular meeting of the Commission in May. Election shall be by a majority vote of the members of the Commission.

Section 3. Terms of Office. The elected officers shall take office upon election and shall serve for a term of two years or until a successor is elected.

Section 4. Vacancies in Office. Vacancies in elective offices shall be filled at the next regular or special meeting of the commission for the unexplored portion of the term.

Section 5. Duties of Officers.

- a. Chair: the Chair shall preside at all meeting and public hearings of the Commission and shall call special meetings when the Chair deems it necessary, or is required to do so. Robert's Rules of Order notwithstanding, the Chair shall be a full voting member of the commission and be able to participate fully in its activities, with the exception of making and seconding motions. The Chair shall sign all official correspondence of the Commission, unless delegated to another member. The Chair shall supervise the preparation of the agenda for all meetings.
- b. Chair Pro-tem: the Chair Pro-tem shall assume the duties of the Chair in the Chair's absence.

- c. Executive Secretary: the Executive Secretary shall be responsible for keeping the Minutes of all meetings of the Commission. If the Chair and Chair Pro-tem are both absent, the Executive Secretary shall assume the duties of the Chair in their absence. The Executive Secretary shall be assisted by the staff of the Department of Community Development. The Executive shall certify the official Minutes of the Commission.
- d. If the Chair, Chair Pro-tem, and Executive Secretary are all absent, the remaining members shall elect a Chair Pro-tem to serve during their absence.

ARTICLE V - OPPORTUNITY TO GAIN EXPERIENCE IN CONDUCTING MEETINGS

Purpose: To ensure that Planning Commission members have an opportunity to gain experience in conducting meetings.

The Chair, at its sole discretion may temporarily assign the duties of the Chair to any Planning Commissioner, with that member's agreement. During the temporary assignment the member shall: sit at the position of the Chair; assume the duties of the Chair; and, not make or second motions. The Chair shall be present at all times, sit at the position of the assigned member; participate in the meeting as a regular member; and, make and second motions.

Upon the conclusion of the temporary assignment, the Chair shall return to the position of the Chair.

ARTICLE VI - MEETINGS

Section 1. Regular Meetings. Regular meetings of the Commission shall be held on each of the first four Wednesdays of each month at 7:00 p.m. in City Hall. There will be no meeting the fourth week of November and December. Should the regular meeting day fall on an official holiday, the meeting shall be held the following business day. At such meetings, the Commission may consider all matters that may properly be brought before the Commission.

Section 2. Special Meetings. Special meetings of the Commission may be called by the Chair and must be called upon written request of any three members of the Commission. Written notice of such a meeting and its purpose shall be given to all members not less than 24 hours in advance thereof, and the same notice shall be posted in City Hall. All meetings shall be held in accordance with applicable State Laws and City Ordinances, in particular, the State Open Public Meetings Act.

Section 3. Quorum. A quorum shall consist of four (4) members of the Commission and no action can be taken in the absence of a quorum except to adjourn the meeting to a subsequent date.

Section 4. Voting. At all meetings of the Commission, each member shall have one vote on each motion. Voting shall be by voice and a show of hands. Any member may abstain from voting by so stating to the Chair. The silence of a Commission member upon a vote shall be recorded as an affirmative vote. The affirmative vote of at least three (3) members shall be necessary for the adoption of any motion or other voting matter, unless otherwise specified in these bylaws.

Section 5. Proceedings.

- a. The regular order of business at meetings of the Commission shall be:
 - 1) Call to Order
 - 2) Roll Call
 - 3) Non-Agenda Public Comments
 - 4) Approval of Minutes
 - 5) Public Hearings
 - 6) Old and New Business
 - 7) Reports from Members and Committees
 - 8) Staff Reports
 - 9) Adjourn
- b. Each formal action of the Commission shall be embodied in a formal motion which will be entered verbatim in the Minutes. The Chair shall, at the Chair's discretion or at the request of any member, read the motion or instruct the motion to be read before being voted on, as provided for in Section IV.
- c. ~~A ten minute recess shall be called by the Chair at approximately 1 – 1/2 hours after the start of the meeting.~~ All meetings of the Commission shall end promptly at 10 by 9:00 p.m. and any items on the agenda not completed at that time shall be continued to a date and time certain, unless the Commission decides by a majority vote, to extend the meeting.

ARTICLE VII - PUBLIC HEARING PROCEDURES

All public hearings of the Commission shall be held according to the following procedure:

- Step 1 OPEN THE PUBLIC HEARING
- Step 2 DISCLOSURE OF CONFLICT OF INTEREST/APPEARANCE OF FAIRNESS. Opportunity for Commissioners to reveal Ex-Parte oral or written communications or any potential Conflict of interest/Appearance of Fairness issues. If any members of the audience have any Conflict of Interest/Appearance of Fairness challenges to any Commissioners, they should be made at this time.
- Step 3 PLANNING COMMISSION RULING ON CONFLICT OF INTEREST/ APPEARANCE OF FAIRNESS CHALLENGES, if any.
- Step 4 STAFF SUBMITS FOR THE RECORD, ANY NEW WRITTEN MATERIALS/ DOCUMENTS received after distribution of staff report.
- Step 5 PLANNING COMMISSION RULING ON NEW MATERIAL SUBMITTED, if any.
- Step 6 APPLICANT'S PRESENTATION. Planning Commissioners may question applicant to clarify proposal.
- Step 7 STAFF PRESENTATION AND EVALUATION. Planning Commissioners may question staff for clarification in terms of compliance with City policies and regulations.

- Step 8 PUBLIC COMMENTS. Planning Commissioners may question the public for clarification of their comments.
- Step 9 APPLICANT RESPONSE TO PUBLIC AND/OR STAFF COMMENTS.
- Step 10 STAFF RESPONSE TO APPLICANT AND/OR PUBLIC COMMENTS.
- Step 11 PUBLIC RESPONSE TO APPLICANT AND/OR STAFF COMMENTS.
- Step 12 APPLICANT CLOSING COMMENTS.
- Step 13 PLANNING COMMISSIONERS MAY QUESTION APPLICANT, STAFF AND/OR PUBLIC, if needed for clarification.
- Step 14 CLOSE PUBLIC HEARING.
- Step 15 COMMISSION DELIBERATIONS AND ACTION. Any motions by the Commission shall be based upon Findings of Fact and Conclusions in support of the Commission's decision.

ARTICLE VIII - RULES OF PROCEDURES

All meetings of the Commission shall be conducted in accordance with Robert's Rules of Order, a copy of which shall be present at all meetings, unless specifically provided otherwise by these bylaws, applicable City Ordinances or State Statutes.

ARTICLE IX - COMMITTEES

The Chair may from time to time establish committees of the Commission to carry out certain specific duties or functions as the Commission deems advisable. The Chair of the Commission shall appoint the members of each committee, not to exceed three (3) members, and shall name the chairman of each committee. The committee shall complete its assigned tasks expeditiously and report its findings, in writing, to the entire Commission.

ARTICLE X - CONFLICT OF INTEREST

Each Commission member shall vote on all questions put to the Planning Commission, unless a conflict of interest under state law or an appearance of fairness question is present. Any Commission member excused by reason of Conflict of Interest/Appearance of Fairness shall step down and leave the meeting room.

The following procedure shall apply in instances where it is unclear that a Conflict of Interest/Appearance of Fairness question exists or is challenged by a Commission member:

- a. If a Commission member or member of the audience asserts a Conflict of Interest under state law or an Appearance of Fairness question, and it is not apparent to all Commission members present, the member shall be excused from voting on an issue only by majority vote of the Commission members present. If it is determined by majority vote of the Planning Commission present, plus one, that a Commission member has a conflict of interest under state law or would violate the Conflict of Interest/Appearance of Fairness

doctrine by participating and/or voting on a matter coming before the Commission, then the member determined to have the Conflict of Interest/Appearance of Fairness doctrine violation shall not participate in or vote on said matter. At the conclusion of the presentation the Planning Commission shall make its determination as provided herein above.

ARTICLE XI - ABSENCES

The accumulation, by any member, of two (2) consecutive or a total of three (3) unexcused absences from regular meetings and/or public hearings during a calendar year constitutes grounds for a recommendation, by the Commission to the City Council, for removal of that member. An excused absence will be granted to any member who notifies the Director of Community Development or his/her designee or the Commission Chair in advance of the meeting.

The proposed changes below are in keeping with normal practice of circulating proposed amendments and having the Chair sign approved documents.

ARTICLE XII - AMENDMENTS

These bylaws may be amended at any meeting of the Commission provided that notice of said proposed amendment, together with the ~~precise-proposed~~ wording of such changes, shall be given each member, in writing, at least ten (10) days prior to said meeting. The affirmative vote of at least four (4) members shall be required to adopt any changes to these bylaws.

THESE AMENDED BYLAWS ADOPTED November 2, 2016

~~Patrick Gastineau~~ David Vliet, Chair
Bothell Planning Commission

~~Ernie Bellecy, Chair Pro Tem~~
~~Bothell Planning Commission~~

~~Joyce Wojcik, Executive Secretary~~
~~Bothell Planning Commission~~

~~Tom Bonorden~~
~~Bothell Planning Commission~~

~~Robert Fuhrman~~
~~Bothell Planning Commission~~

~~Craig Pierce~~
~~Bothell Planning Commission~~

~~Vivien Peterson~~
~~Bothell Planning Commission~~